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12831  
LAWS AND ORDINANCES  
OF THE  
CITY OF PEORIA  
ILLINOIS

REVISED AND EDITED BY  
WILBERT I. SLEMMONS, ISRAEL C. PINKNEY  
AND  
DANIEL F. RAUM

AND  
PUBLISHED BY AUTHORITY OF THE  
CITY COUNCIL

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PEORIA  
J. W. FRANKS & SONS, PRINTERS AND BINDERS  
1892



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1892

## PREFACE.

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After the adoption of "organization under general law" at the election in November, 1891, in pursuance of the statute, Hon. Charles C. Clarke, mayor, appointed us "to prepare and submit to the city council, for their adoption or rejection, an ordinance in revision of the ordinances" of the city of Peoria. This ordinance was prepared, and, after careful consideration in committee, was adopted by the city council. Upon its adoption, this revision, together with a compilation of statutes, relating to the government of cities, and special ordinances of general interest, was ordered published in book form.

The old ordinances were all adopted with reference to a special charter, and a revision, to conform to the general law and the increased needs of the city, required the making of an entirely new ordinance in relation to a great many of the more important features of the city government. The various subjects were assigned, and the work of preparing the revision was done separately, and the work of each was then criticized by the other two. The arrangement of all the matter was assigned to one person. It was the original intention to have each section, as far as possible, relate to a single matter, but this plan was frequently departed from without benefit to the ordinance.

The book contains such provisions of the constitution and statutes of the state, as relate to cities, the provisions of the

Sets 10 Apr. 14 1/2 Peoria Hist. Soc. 1892 May 24 1892



former charter of the city of Peoria, relating to schools, etc., the revised ordinance, and certain special ordinances which it was deemed advisable to print. The best order of arrangement known to the revisers was adopted.

Beginning with the statutes, the numbering of the sections is consecutive. These numbers, in advance of the catch words of the section are alone referred to in the index. The constitutional provisions are referred to in the index by page and are noted by the letter "p."

The original section number of both law and ordinance, follow a section mark.

At the commencement of each chapter and article, an index to the contents of each has been added and there is an index at the end of the volume, which, it is hoped, may afford a ready reference to the provisions of statute and ordinance. The "three em dash line" found in the index is intended to distinguish between statutes and ordinances.

Thanks are due to the city council and all the officers for the assistance they have given the revisers.

SEPTEMBER 1st. 1892.

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AN ORDINANCE *authorizing and providing for the publication, in book form, the Laws and Ordinances of the City of Peoria :*

WHEREAS, The City of Peoria heretofore let to the Transcript Publishing Company, a contract for the publication in book form of the laws and ordinances of the city of Peoria, and said Transcript Publishing Company has assigned and transferred to J. W. Franks & Sons, of Peoria, Illinois, all interest and right in such contract, in which assignment and transfer the City Council of said city has concurred; now, therefore,

*Be it ordained by the City Council of the City of Peoria :*

SECTION 1. That the ordinance passed by the City Council on the 16th day of April, A. D. 1892, and approved by the Mayor on the 18th day of April, A. D. 1892, entitled "AN ORDINANCE IN REVISION AND CONSOLIDATION OF THE GENERAL ORDINANCES OF THE CITY OF PEORIA," together with the laws and ordinances compiled for publication by Wilbert I. Slemmons, Israel C. Pinkney and Daniel F. Raum, be, and the same are hereby authorized and ordered printed and published in book form by J. W. Franks & Sons, of Peoria, Illinois, as the "LAWS AND ORDINANCES OF THE CITY OF PEORIA, ILLINOIS."

SEC. 2. That this ordinance shall take effect and be in force from and after its passage.

STATE OF ILLINOIS,                    }  
CITY AND COUNTY OF PEORIA.       } ss.

I, Michael R. Fay, City Clerk of the City of Peoria, do hereby certify that the above and foregoing is a true copy of an ordinance entitled "An ordinance authorizing and providing for the publication, in book form, the laws and ordinances of the city of Peoria," passed by the City Council of said city on the 6th day of September, A. D. 1892, the original ordinance, of which the foregoing is a copy, is by law entrusted to my custody for safe keeping, and is on file in my office.

Witness my hand and the corporate seal of said city, this 7th day of September, A. D. 1892.

M. R. FAY, *City Clerk.*





# FORMER TOWN AND CITY OFFICERS.

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## TRUSTEES.

Catalogue of the TRUSTEES of the Town of Peoria, and of the MAYORS and ALDERMEN of the City of Peoria, from the organization of the Town, in 1835, to 1892, inclusive.

1835-6. RUDOLPHUS ROUSE, President; Chester Hamlin, R. Burlingame, Charles W. McClallen, Cyrus Leland.

1836-7. GEORGE B. PARKER, President; Thomas Phillips, Chester Hamlin, Henry W. Cleveland, J. D. She-walter.

1837-8. RUDOLPHUS ROUSE, President; J. C. Armstrong, J. C. Caldwell, Thos. J. Hurd, Samuel H. McCrory, S. S. Veacock, A. O. Garrett, Cyrus Leland, William Frisby, Chas. W. McClallen.\*

1838-9. RUDOLPHUS ROUSE, President; J. C. Armstrong, Cyrus Leland, A. O. Garrett, George B. Parker, A. G. Curtenius, J. McClay Smith, N. H. Purple, J. H. Work.

1839-40. RUDOLPHUS ROUSE, President; George B. Parker, M. Pettengill, James Mossman, George T. Metcalfe, A. Meyer, J. McClay Smith, George C. Bestor, A. O. Garrett, Daniel Bristol.\*

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\*Elected to fill vacancy.

- 1840-41. RUDOLPHUS ROUSE, President; A. P. Bartlett, Daniel Bristol, Wm. M. Dodge, Chas. W. McClallen, Benjamin White, Isaac Underhill, George W. Reed, George T. Metcalfe.
- 1841-2. PETER SWEAT, President; R. Rouse, J. C. Heyl, Chester Hamlin, Aquilla Wren, Jacob Gale, Isaac Underhill, A. P. Bartlett, Isaac Evans, N. H. Purple,\* William B. Farrell,\* A. O. Garrett,\* Lewis Howell,\* John Hamlin.\*
- 1842-3. LEWIS HOWELL, President; George T. Metcalfe, H. B. Stillman, J. W. Caldwell, Daniel Bristol, W. E. Mason, L. O. Hulbert, George W. Reed, A. P. Bartlett, John Hamlin,\* Wm. M. Dodge.\*
- 1843-4. JOHN KING, President; H. B. Stillman, Wm. M. Dodge, Wm. E. Mason, George W. Reed, E. N. Powell, L. Howell, L. O. Hulbert, C. T. Stearns.
- 1844-5. HALSEY O. MERRIMAN, President; Wm. M. Dodge, Chas. T. Stearns, Charles Cox, Geo. W. Reed, Sam'l B. King, John Rankin, Benj. White, P. J. Mosher.

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### CITY COUNCIL.

1845. *Mayor*—WILLIAM HALE. *Aldermen*—Jesse L. Knowlton, Peter Sweat, Chas. Kettelle, C. Cleveland, Chester Hamlin, John Hamlin, Hervey Lightner, A. P. Bartlett.
1846. *Mayor*—CHAS. T. STEARNS. *Aldermen*—John Hamlin, C. Kettelle, Jesse L. Knowlton, A. P. Bartlett, C. W. McClallen, Geo. W. Reed, Wm. M. Dodge, Lewis Howell.

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\*Elected to fill vacancy.

1847. *Mayor*—WILLIAM MITCHELL. *Aldermen*—C. W. McClallen, Geo. W. Reed, Wm. M. Dodge, Lewis Howell, Wm. Tobey, Jos. C. Fry, H. Lightner, Dennis Blakeley.
1848. *Mayor*—WILLIAM MITCHELL. *Aldermen*—Dennis Blakeley, J. C. Fry, Hervey Lightner, P. J. Mosher, John Rankin, F. Voris, Wm. Tobey, John Waugh.
1849. *Mayor*—JACOB GALE. *Aldermen*—1st Ward, Philip J. Mosher, John Yontz; 2d, Joseph P. Dennis, Francis Voris; 3d, John Waugh, Hugh J. Sweeney; 4th, John Rankin, Clark Cleveland.
1850. *Mayor*—DENNIS BLAKELEY. *Aldermen*—1st Ward, Frederick Miller, George W. Fridley\*; 2d, Joseph P. Dennis, Lyman J. Loomis; 3d, Hugh J. Sweeney, Christopher Sammis; 4th, Thomas Dolan, Clark Cleveland.
1851. *Mayor*—GEORGE C. BESTOR. *Aldermen*—1st Ward, Frederick Miller, Frederick Bohl, Ezekiel Boyden\*; 2d, Lyman J. Loomis, Peter S. Shelly; 3d, Christopher Sammis, John Waugh; 4th, Thomas Dolan, Presley M. Comegys.
1852. *Mayor*—JONATHAN K. COOPER. *Aldermen*—1st Ward, Ezekiel Boyden, John B. Warner, Charles Ballance\*; 2d, Peter S. Shelly, Thos. J. Pickett; 3d, John Waugh, John Reynolds; 4th, Presley M. Comegys, Thomas L. Davis.
1853. *Mayor*—GEORGE C. BESTOR. *Aldermen*—1st Ward, John B. Warner, John D. Arnold; 2d, Thomas J. Pickett, William R. Hamilton; 3d, John Waugh, John Reynolds; 4th, Thomas L. Davis, George A. Beseman.

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\*Elected to fill vacancy.

1854. *Mayor*—GEORGE C. BESTOR. *Aldermen*—1st Ward, John D. Arnold, William C. Boilvin; 2d, William R. Hamilton, Peter R. K. Brotherson; 3d, John Waugh, John Hamlin; 4th, George A. Beseman, Gardiner T. Barker.
1855. *Mayor*—CHARLES BALLANCE. *Aldermen*—1st Ward, William C. Boilvin, Tillman Wagener, James H. McCall\*; 2d, Peter R. K. Brotherson, Andrew J. Hodges; 3d, John Hamlin, John W. Hansel; 4th, John Ramsey, Gardiner T. Barker.
1856. *Mayor*—GARDINER T. BARKER. *Aldermen*—1st Ward, James H. McCall, George C. McFadden; 2d, Andrew J. Hodges, William R. Hamilton; 3d, John W. Hansel, John T. Lindsay; 4th, Horace G. Anderson, John Ramsey; 5th, Tobias S. Bradey, John C. Fanagan.
1857. *Mayor*—GARDINER T. BARKER. *Aldermen*—1st Ward, James H. McCall, George C. McFadden; 2d, William R. Hamilton, Thomas S. Dobbins; 3d, John T. Lindsay, John Waugh; 4th, Horace G. Anderson, John Schwab; 5th, Tobias S. Bradey, John C. Fanagan.
1858. *Mayor*—WILLIAM R. HAMILTON. *Aldermen*—1st Ward, Julius G. Lueder, James H. McCall; 2d, William Rounseville, Thomas S. Dobbins; 3d, William A. Herron, John Waugh; 4th, Thomas L. Davis, John Schwab; 5th, John C. Proctor, John C. Fanagan.
1859. *Mayor*—WILLIAM R. HAMILTON. *Aldermen*—1st Ward, Roger J. Brass, Julius G. Lueder; 2d, Ephriam Morrison, William Rounseville, Stark R. Reed\*; 3d, Valentine Dewein, William A. Herron; 4th, Barrett

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\*Elected to fill vacancy.



White, Thomas L. Davis; 5th, Caleb Whittemore, John C. Proctor.

1860. *Mayor*—JOHN D. ARNOLD. *Aldermen*—1st Ward, Julius G. Lueder, Roger J. Brass, Godfrey Goldbeck\*; 2d, Samuel Tart, Ephriam Morrison; 3d, Orson C. Parmely, Valentine Dewein; 4th, John Elting, Barrett White; 5th, Albert Potthoff, Caleb Whittemore, William R. Bush.\*
1861. *Mayor*—WILLIAM A. WILLARD. *Aldermen*—1st Ward, Michael B. Loughlin, Julius G. Lueder, Philip Rohmann\*; 2d, Matthew W. McReynolds, Samuel Tart; 3d, David McKinney, Orson C. Parmely; 4th, Barrett White, John Elting, Gardiner T. Barker\*; 5th, Miles Bosworth, Albert Potthoff; 6th, Henry Kruse, Patrick W. Dunne.
1862. *Mayor*—GARDINER T. BARKER. *Aldermen*—1st Ward, James D. Burr, Michael B. Loughlin; 2d, William C. Henry, Matthew W. McReynolds; 3d, David D. Snyder, David McKinney, Nathaniel Huggins\*; 4th, John Waugh, Barrett White; 5th, Isaac Underhill, Miles Bosworth; 6th, Patrick W. Dunne, Henry Kruse.
1863. *Mayor*—MATTHEW W. McREYNOLDS. *Aldermen*—1st Ward, John H. Francis, James D. Burr; 2d, Peter R. K. Brotherson, William C. Henry; 3d, Patrick Ward, Nathaniel Huggins; 4th, Frederick Bohl, John Waugh; 5th, Ransom E. Hickey, Isaac Underhill; 6th, Henry Kruse, Patrick W. Dunne.
1864. *Mayor*—JACOB GALE. *Aldermen*—1st Ward, Michael B. Loughlin, John H. Francis; 2d, John Durham, Peter R. K. Brotherson, 3d, Hervey Lightner, Pat-

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\*Elected to fill vacancy.

rick Ward; 4th, Barrett White, Frederick Bohl; 5th, Isaac Underhill, Ransom E. Hickey; 6th, Charles Raymond, Henry Kruse.

1865. *Mayor*—HENRY T. BALDWIN. *Aldermen*—1st Ward, John H. Francis, Michael B. Loughlin; 2d, Larkin B. Day, John Durham; 3d, William A. Herron, Hervey Lightner; 4th, Frederick Bohl, Barrett White; 5th, Horace G. Anderson, Isaac Underhill; 6th, Oliver W. Campbell, Charles Raymond.
1866. *Mayor*—HENRY T. BALDWIN. *Aldermen*—1st Ward, Michael B. Loughlin, John H. Francis; 2d, Charles Breier, Larkin B. Day, Andrew Doyle\*; 3d, Addison S. Norton, William A. Herron; 4th, John Waugh, Barret White; 5th, Harrison Smith, Horace G. Anderson; 6th, Charles Raymond, Oliver W. Campbell, John C. Eichhorn.\*
1867. *Mayor*—PHILIP BENDER. *Aldermen*—1st Ward, John H. Francis, Michael B. Loughlin; 2d, James T. Rogers, Charles Breier; 3d, Richard A. Culter, Addison S. Norton; 4th, Gardiner T. Barker, John Waugh; 5th, Enoch Emery, Harrison Smith; 6th, John C. Eichhorn, Charles Raymond.
1868. *Mayor*—PETER R. K. BROTHERSON. *Aldermen*—1st Ward, Michael C. Quinn, John H. Francis; 2d, Samuel A. Kinsey, James T. Rogers; 3d, Larkin B. Day, Richard A. Culter; 4th, John Dolan, Gardiner T. Barker; 5th, Frank Field, Enoch Emery; 6th, Isaac Lamplugh, John C. Eichhorn.
1869. *Mayor*—PETER R. K. BROTHERSON. *Aldermen*—1st Ward, Michael C. Quinn, John H. Francis; John Ryan\*; 2d, Samuel A. Kinsey, James T. Rogers; 3d, Larkin

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\*Elected to fill vacancy.

B. Day, Richard A. Culter; 4th, Gardiner T. Barker, John Dolan; 5th, Frank Field, Enoch Emery; 6th, Isaac Lamplugh, John C. Eichhorn.

1870. *Mayor*—GARDINER T. BARKER. *Aldermen*—1st Ward, James D. Burr, John Ryan; 2d, Henry N. Frederick, Samuel A. Kinsey; 3d, Ralph Phillips, Larkin B. Day; 4th, Emil Huber; John Dolan; 5th, William T. Hanna, Frank Field; 6th, Daniel Costello, Isaac Lamplugh; 7th, William R. Bush, John H. Hall.

1871. *Mayor*—GARDINER T. BARKER. *Aldermen*—1st Ward, James D. Burr, John Ryan; 2d, C. W. Rees, Henry N. Frederick; 3d, Larkin B. Day, Ralph Phillips; 4th, Emil Huber, John Dolan; 5th, Louis Furst, William T. Hanna; 6th, William McLean, Daniel Costello; 7th, W. B. Chapman, W. R. Bush.

1872. *Mayor*—PETER R. K. BROTHERSON. *Aldermen*—1st Ward, Carl J. Speck, John Ryan; 2d, James D. Burr, C. W. Rees; 3d, Gilman W. Avery, Larkin B. Day; 4th, Emil Huber, John Dolan; 5th, Enoch Emery, Louis Furst; 6th, William McLean, Joseph Redmon; 7th, W. B. Chapman, William H. Davis.

1873. *Mayor*—PETER R. K. BROTHERSON. *Aldermen*—1st Ward, John Shields, Carl J. Speck; 2d, Joel Blakesley, James D. Burr; 3d, Robert C. Grier, Gilman W. Avery; 4th, John Waugh, Emil Huber, Barrett White\*; 5th, Frank Field, Enoch Emery; 6th, William McLean, Joseph Redmon; 7th, W. B. Harris, W. H. Davis.

1874. *Mayor*—JOHN WARNER. *Aldermen*—1st Ward, Patrick W. Dunne, John Shields; 2d, Matthew Henebery, Joel Blakesley; 3d, J. C. Lindsay,\* R. C. Grier, H.

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\*Elected to fill vacancy.

Schwabacher; 4th, Barrett White, John Waugh; 5th Enoch Emery, Frank Field; 6th, Phillip Kammerer, William McLean; 7th, Charles H. Kellogg, W. B. Harris.

1875. *Mayor*—JOHN WARNER. *Aldermen*—1st Ward, F. C. Carroll, Patrick W. Dunne; 2d, Charles Moore, Matthew Henebery; 3d, Arthur T. Birket, H. Schwabacher; 4th, Geo. F. Weber, Barret White; 5th, Gustav E. Harsch, Enoch Emery; 6th, W. A. Callender, Phillip Kammerer; 7th, John B. Smith, Charles H. Kellogg.
1876. *Mayor*—LESLIE ROBISON. *Aldermen*—1st Ward, Claas J. Johnson, F. C. Carroll, George Pfeiffer\*; 2d, John P. Cress, Charles Moore; 3d, Thomas J. Kelly, Arthur T. Birket, Fred. Bohl\*; 4th, John Dolan, George F. Weber; 5th, Enoch Emery, Gustav E. Harsch; 6th, Phillip Kammerer, W. A. Callender, George Killeen\*; 7th, Charles H. Kellogg, John B. Smith; 8th, M. V. B. Cumerford, Arthur T. Birket; 9th, William McLean, W. A. Callender.
1877. *Mayor*—LESLIE ROBISON. *Aldermen*—1st Ward, Charles Ballance, Claas J. Johnson; 2d, John P. Cress, Enoch Emery; 3d, John M. Simpson, Thomas J. Kelly; 4th, Geo. F. Weber, John Dolan; 5th, Enoch P. Sloan, Larkin B. Day\*; 6th, Peter Carty, Phillip Kammerer; 7th, John B. Smith, Charles H. Kellogg; 8th, Harvey B. Gibson, M. V. B. Cumerford; 9th, William Murphy, William McLean.
1878. *Mayor*—JOHN WARNER. *Aldermen*—1st Ward, Joseph Herwig, Charles Ballance; 2d, Gustav E. Harsch, Samuel A. Kinsey; 3d, Thomas J. Kelly, John M. Simpson; 4th, Nicholas Bergan, George F. Weber; 5th, Larkin

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\*Elected to fill vacancy.

B. Day, Enoch P. Sloan; 6th, Adelbert M. Studer, Peter Carty; 7th, H. G. Anderson, John B. Smith; 8th, Daniel Rowan, Harvey B. Gibson; 9th, John Biggins, William Murphy.

1879. *Mayor*—JOHN WARNER. *Aldermen*—1st Ward, Stacy B. Hart, Joseph Herwig; 2d, John F. King, Samuel A. Kinsey; 3d, James C. Dolan, Thomas J. Kelly; 4th, H. Fellrath, Nicholas Bergan; 5th, Larkin B. Day, Enoch P. Sloan; 6th, A. H. Barnewolt, Adelbert M. Studer; 7th, Delos S. Brown, Austin F. Johnson; 8th, Harvey B. Gibson, Daniel Rowan; 9th, William McLean, John Biggins.

1880. *Mayor*—JOHN WARNER. *Aldermen*—1st Ward, Joseph Herwig, Stacy B. Hart; 2d, John G. Higgins, John F. King; 3d, Thomas J. Kelly, Wm. Oberhauser\*, James C. Dolan; 4th, Nicholas Bergan, H. Fellrath; 5th, Larkin B. Day, Enoch P. Sloan; 6th, Adelbert M. Studer, A. H. Barnewolt; 7th, Charles D. Clark, Delos S. Brown; 8th, Daniel Rowan, Harvey B. Gibson; 9th, John Biggins, Wm. McLean.

1881. *Mayor*—JOHN WARNER. *Aldermen*—1st Ward, George Pfeiffer Jr., Joseph Herwig; 2d, John F. King, John G. Higgins; 3d, James C. Dolan, Wm. Oberhauser; 4th, Samuel Woolner, Nicholas Bergan; 5th, Samuel A. Kinsey, Larkin B. Day; 6th, James Millard, Adelbert M. Studer; 7th, Delos S. Brown, Chas. D. Clark; 8th, Henry B. Morgan, Daniel Rowan; 9th, Wm. McLean, John Biggins.

1882. *Mayor*—FRANK HITCHCOCK. *Aldermen*—1st Ward, Michael Pfeifer, George Pfeiffer, Jr.; 2d, John G. Higgins, John F. King; 3d, Charles Ballance, James C.

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\*Elected to fill vacancy.

Dolan; 4th, Charles Jaus, Samuel Woolner; 5th, Larkin B. Day, Samuel A. Kinsey, Joseph Elder\*; 6th, Peter Lulay, James Millard; 7th, Austin F. Johnson, Delos S. Brown; 8th, Arthur T. Birket, Henry B. Morgan; 9th, Louis Miller, William McLean.

1883. *Mayor*—FRANK HITCHCOCK. *Aldermen*—1st Ward, George Pfeiffer, Jr., Michael Pfeifer; 2d, John G. Higgins, E. M. Dever; 3d, James C. Dolan, Charles Ballance; 4th, Frank McLoughlin, Charles Jaus; 5th, William J. Dobbins, Joseph Elder; 6th, James E. Kearney, Peter Lulay; 7th, A. F. Miller, Austin F. Johnson; 8th, Christian Klingel, Arthur T. Birket; 9th, William McLean, Louis Miller.

1884. *Mayor* — JOHN WARNER. *Aldermen* — 1st Ward, Michael Pfeifer, George Pfeiffer; 2d, Thomas R. Daniels, E. M. Dever, Henry N. Frederick\*; 3d, Charles Ballance, James C. Dolan; 4th, Charles Jaus, Frank McLoughlin; 5th, Joseph Elder, William J. Dobbins; 6th, John A. Arnold, James E. Kearney; 7th, Edward S. Easton, Alexander F. Miller; 8th, Henry B. Morgan, Christian Klingel; 9th, John Finley, William McLean.

1885. *Mayor* — JOHN WARNER. *Aldermen* — 1st Ward George Harre, Michael Pfeifer; 2d, Henry N. Frederick, Thomas R. Daniels; 3d, James C. Dolan, Charles Ballance; 4th, John White, Charles Jaus; 5th, R. B. Collins, Joseph Elder; 6th, James E. Kearney, John A. Arnold; 7th, E. A. Casey; Edward S. Easton; 8th, Christian Klingel, Henry B. Morgan; 9th, John W. Brauer, John Finley.

1886. *Mayor*—SAMUEL A. KINSEY. *Aldermen*—1st Ward, George Harre, Thomas Gorman; 2d, Henry N. Frederick, John F. King; 3d, James C. Dolan, Charles Ballance; 4th, John White, William O. Clark, 5th, R. B.

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\*Elected to fill vacancy.



Collins, Joseph Elder; 6th, James E. Kearney, Henry Krieger; 7th, E. A. Casey, Edward S. Easton; 8th, Christian Klingel, Thomas Fallon; 9th, John W. Brauer, John Finley.

1887. *Mayor*—SAMUEL A. KINSEY. *Aldermen*—1st Ward, Thomas Gorman, C. H. Tammen; 2d, M. E. Bergan, John F. King; 3d, James C. Dolan, Charles Ballance; 4th, William O. Clark, John White; 5th, Joseph Elder, Samuel Woolner; 6th, James E. Kearney, Henry Krieger; 7th, E. A. Casey, Edward S. Easton; 8th, Thomas Fallon, Joseph Jeffries; 9th, John Finley, A. Reinhardt.
1888. *Mayor*—JOHN WARNER. *Aldermen*—1st Ward, C. H. Tammen, Frank O'Rourke; 2d, M. E. Bergan, Luke Sweetser; 3d, James C. Dolan, A. J. Gerstel; 4th, John White, F. Fletemeyer; 5th, Samuel Woolner, Joseph Elder; 6th, James E. Kearney, B. Botzenhardt; 7th, E. A. Casey, Edward S. Easton; 8th, Jos. Jeffries, J. W. White; 9th, A. Reinhardt, William McLean.
1889. *Mayor*—JOHN WARNER. *Aldermen*—1st Ward, Frank O'Rourke, William Bittel; 2d, Luke Sweetser, M. E. Bergan; 3d, A. J. Gerstel, James C. Dolan; 4th, F. Fletemeyer, John White; 5th, Joseph Elder, Samuel Woolner; 6th, B. Botzenhardt, James E. Kearney; 7th, Edward S. Easton, P. B. Miles; 8th, J. W. White, Thomas Fallon; 9th, William McLean, A. Reinhardt.
1890. *Mayor*—CHARLES C. CLARKE. *Aldermen*—1st Ward, William Bittel, James Fitzgerald; 2d, M. E. Bergan, William P. Gauss; 3d, James C. Dolan, A. J. Gerstel; 4th, John White, Thomas Hayden; 5th, Samuel Woolner, Norris Pitt; 6th, James E. Kearney, Peter Werner; 7th, P. B. Miles, J. H. Francis; 8th, Thomas Fallon, L. H. Wiley; 9th, A. Reinhardt, John Finley.

1891. *Mayor*—CHARLES C. CLARKE. *Aldermen*—1st Ward, Jacob Ziegler, James Fitzgerald; 2d, William M. Allen, William P. Gauss; 3d, Edward A. Ossenbeck, Joseph R. White; 4th, John White, Thomas Hayden; 5th, Samuel Woolner, Norris Pitt; 6th, James E. Kearney, Peter Werner; 7th, P. B. Miles, John H. Francis; 8th, William H. Eastman, L. H. Wiley; 9th, W. L. Slagle, John Finley.
1892. *Mayor*—CHARLES C. CLARKE. *Aldermen*—1st Ward, James Fitzgerald, Jacob Ziegler; 2d, William M. Allen, William P. Gauss; 3d, Joseph R. White, Edward Ossenbeck; 4th, John White, Thomas P. Hayden; 5th, Samuel Woolner, Norris Pitt; 6th, James E. Kearney, Peter Werner; 7th, P. B. Miles, John H. Francis; 8th, L. H. Wiley, Wm. H. Eastman; 9th, John Finley, W. L. Slagle.



THE PRESENT OFFICERS  
OF THE  
CITY OF PEORIA

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*Mayor*—JOHN WARNER.

*City Clerk*—MICHAEL R. FAY.

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MEMBERS OF THE CITY COUNCIL.

*Aldermen—First Ward:*

EDWARD A. OSSENBECK AND JOHN W. WHITE.

*Second Ward:*

CHARLES J. OFF AND JOHN W. ROWCLIFF.

*Third Ward:*

WILLIAM M. LYONS AND JOHN P. BAUMBACH.

*Fourth Ward:*

WILLIAM M. ALLEN AND WILLIAM BITTEL.

*Fifth Ward:*

LUKE SWEETSER AND EDWARD S. EASTON.

*Sixth Ward:*

FRANKLIN DUDLEY AND FRANK O'ROURKE.

*Seventh Ward:*

WILLIAM L. SLAGLE AND JOHN J. McDONALD.

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City Treasurer . . . . .	Henry Detweiller
City Attorney . . . . .	John W. Culbertson
Police Magistrate . . . . .	Duncan H. McPhail
Comptroller . . . . .	Norman K. Smith
Commissioner of Public Works . . . . .	George A. Ditewig
City Engineer . . . . .	George F. Wightman
Superintendent of Streets . . . . .	John Gorman
Health Commissioner . . . . .	George A. Wilson
Superintendent of Buildings . . . . .	Alexander F. Miller
Police and Fire Commissioner . . . . .	{ John L. Flynn
	{ Charles M. Salzenstein
Superintendent of Police . . . . .	Thomas Hayden
Captain of Police . . . . .	John Arnold
Sergeant of Police . . . . .	Charles P. Sloan
Police Matron . . . . .	Mrs. Emma P. Wonder
Fire Marshal . . . . .	Karl Moeller
Assistant Fire Marshal . . . . .	James Smith
Electrician . . . . .	O. H. Norton
Oil Inspector . . . . .	Peter F. Harmon
Boiler Inspector . . . . .	Michael Manning
Food Inspector . . . . .	Jacob Hecht
Market Master . . . . .	Thomas O'Brien



# CONSTITUTIONAL PROVISIONS.

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## ARTICLE II.

### BILL OF RIGHTS.

SECTION 7. **Bailable Offenses.**] All persons shall be bailable by sufficient sureties, except for capital offenses, where the proof is evident or the presumption great; and the privilege or writ of *habeas corpus* shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it.

§ 8. **Arrest and Detention.**] No person shall be held to answer for a criminal offense, unless on indictment of a grand jury, except in cases in which the punishment is by fine, or imprisonment otherwise than in the penitentiary, in cases of impeachment, and in cases arising in the army and navy, or in the militia, when in actual service in time of war or public danger: *Provided*, that the grand jury may be abolished by law in all cases.

§ 11. **Grade of Penalty.**] All penalties shall be proportioned to the nature of the offense, and no conviction shall work corruption of blood or forfeiture of estate; nor shall any person be transported out of the state for any offense committed within the same.

§ 13. **Eminent Domain.**] Private property shall not be taken or damaged for public use without just compensation. Such compensation, when not made by the state, shall be ascertained by a jury, as shall be prescribed by law. The fee of land taken for railroad tracks, without consent of the owners thereof, shall remain in such owners, subject to the use for which it is taken.

§ 17. **Public Assembly.**] The people have the right to assemble in a peaceable manner to consult for the common good, to make known their opinions to their representatives, and to apply for redress of grievances.

#### ARTICLE IV.

§ 4. **Disqualification for Office.**] No person who has been, or hereafter shall be, convicted of bribery, perjury, or other infamous crime, nor any person who has been or may be a collector or holder of public moneys, who shall not have accounted for and paid over, according to law, all such moneys due from him, shall be eligible to the general assembly, or to any office of profit or trust in this state.

§ 20. **State Aid Prohibited.**] The state shall never pay, assume or become responsible for the debts or liabilities of, or in any manner give loan or extend its credit to or in aid of any public or other corporation, association or individual.

§ 22. **Special Legislation Prohibited.**] The general assembly shall not pass local or special laws in any of the following enumerated cases, that is to say: for—

\* \* \* \* \*

Changing the names of persons or places;

Laying out, opening, altering and working roads or highways;

Vacating roads, town plats, streets, alleys and public grounds;

Regulating the jurisdiction and duties of justices of the peace, police magistrates and constables;

\* \* \* \* \*

Incorporating cities, towns or villages, or changing or amending the charter of any town, city or village;

Providing for the election of members of the board of supervisors in townships, incorporated towns or cities;

\* \* \* \* \*

Providing for the management of common schools;

\* \* \* \* \*

The opening and conducting of any election, or designating the place of voting;

\* \* \* \* \*

Chartering or licensing ferries or toll bridges;

Remitting fines, penalties or forfeitures;

Creating, increasing or decreasing fees, percentage or allowances of public officers, during the term for which said officers are elected or appointed;

Granting to any corporation, association or individual the right to lay down railroad tracks, or amending existing charters for such purpose;

\* \* \* \* \*

Granting to any corporation, association or individual any special or exclusive privilege, immunity or franchise whatever;

In all other cases where a general law can be made applicable, no special law shall be enacted.

§ 23. **Release of Obligation Prohibited.**] The general assembly shall have no power to release or extinguish, in whole or in part, the indebtedness, liability or obligation of any corporation or individual to this state or to any municipal corporation therein.

§ 28. **Officer—Term.**] No law shall be passed which shall operate to extend the term of any public officer after his election or appointment.

§ 31. **Drainage.**] The general assembly may pass laws permitting the owners of lands to construct drains, ditches and levees for agricultural, sanitary or mining purposes, across the lands of others, and provide for the organization of drainage districts and vest the corporate authorities thereof, with power to construct and maintain levees, drains and ditches, and to keep in repair all drains, ditches and levees heretofore constructed under the laws of this state, by special assessments upon the property benefited thereby. [This section was submitted to the voters at the election in November, 1878, as an amendment, was adopted, and became a part of the constitution.]

## ARTICLE V.

§ 25. **Oath of Office.**] All-civil officers, except members of the general assembly and such inferior officers as may be by law exempted, shall, before they enter on the duties of their respective offices, take and subscribe the following oath or affirmation:

I do solemnly swear (or affirm, as the case may be,) that I will support the constitution of the United States, and the constitution of the State of Illinois, and that I will faithfully discharge the duties of the office of ——— according to the best of my ability.

And no other oath, declaration or test shall be required as a qualification.

## ARTICLE VI.

§ 1. **Judicial Powers.**] The judicial powers except as in this article is otherwise provided, shall be vested in one supreme court, circuit courts, county courts, justices of the peace, police magistrates, and in such courts as may be created by law in and for cities and incorporated towns.

§ 21. **Justices of the Peace, Etc.**] Justices of the peace, police magistrates, and constables shall be elected in and for

such districts as are, or may be, provided by law, and the jurisdiction of such justices of the peace and police magistrates shall be uniform.

§ 32. **Officers—Residence and Compensation.]** All officers provided for in this article shall hold their offices until their successors shall be qualified, and they shall, respectively, reside in the division, circuit, county or district for which they may be elected or appointed. The terms of office of all such officers, where not otherwise prescribed in this article, shall be four years. All officers, where not otherwise provided for in this article, shall perform such duties and receive such compensation as is or may be provided by law. Vacancies in such elective offices shall be filled by election; but where the unexpired term does not exceed one year, the vacancy shall be filled by appointment as follows: Of judges, by the governor; of clerk of courts, by the court to which the office appertains, or by the judge or judges thereof; and of all such other offices, by the board of supervisors or board of county commissioners in the county where the vacancy occurs.

§ 33. **Process.]** All process shall run: *In the name of the People of the State of Illinois*; and all prosecutions shall be carried on: *In the name and by the authority of the People of the State of Illinois*; and conclude: *Against the peace and dignity of the same*. “Population,” wherever used in this article, shall be determined by the next preceding census of this state, or of the United States.

## ARTICLE VII.

§ 1. **Right of Suffrage.]** Every person having resided in this state one year, in the county 90 days, and in the election district 30 days next preceding any election therein, who was an elector in this state on the first day of April, in the year of our Lord 1848, or obtained a certificate of naturalization before any court of record in this state prior to the first day of



January, in the year of our Lord 1870, or who shall be a male citizen of the United States, above the age of 21 years, shall be entitled to vote at such election.

§ 2. **Vote by Ballot.**] All votes shall be by ballot.

§ 3. **Privileges of Electors.**] Electors shall, in all cases except treason, felony, or breach of the peace, be privileged from arrest during their attendance at elections, and in going to and returning from the same. And no elector shall be obliged to do military duty on the days of election, except in time of war or public danger.

§ 5. **Excluded Persons.**] No soldier, seaman or marine in the army or navy of the United States shall be deemed a resident of this state in consequence of being stationed therein.

§ 6. **Officers—Persons Excluded.**] No person shall be elected or appointed to any office in this state, civil or military, who is not a citizen of the United States, and who shall not have resided in this state one year next preceding the election or appointment.

## ARTICLE VIII.

§ 3. **No Aid to Churches or Private Schools.**] Neither the general assembly nor any county, city, town, township, school district or other public corporation, shall ever make any appropriation or pay from any public fund whatever, anything in aid of any church or sectarian purpose, or to help support or sustain any school, academy, seminary, college, university, or other literary or scientific institution, controlled by any church or sectarian denomination whatever; nor shall any grant or donation of land, money, or other personal property ever be made by the state or any such public corporation, to any church, or for any sectarian purpose.

§ 4. **School Officer Not to be Interested in Contract.**] No teacher, state, county, township, or district school officer shall be interested in the sale, proceeds or profits of any book,



apparatus or furniture, used or to be used in any school in this state, with which such officer or teacher may be connected, under such penalties as may be provided by the general assembly.

## ARTICLE IX.

§ 3. **Exemption From Taxation.**] The property of the state, counties, and other municipal corporations, both real and personal, and such other property as may be used exclusively for agricultural or horticultural societies, for schools, religious, cemetery and charitable purposes, may be exempted from taxation; but such exemption shall be only by general law. In the assessment of real estate encumbered by public easement any depreciation occasioned by such easement may be deducted in the valuation of such property.

§ 6. **Release From Tax Prohibited.**] The general assembly shall have no power to release or discharge any county, city, township, town or district whatever, or the inhabitants thereof, or the property therein, from their or its proportionate share of taxes to be levied for state purposes, nor shall commutation for such taxes be authorized in any form whatsoever.

§ 9. **Municipal Taxation and Special Assessment.**] The general assembly may vest the corporate authorities of cities, towns and villages with power to make local improvements by special assessment, or by special taxation of contiguous property, or otherwise. For all other corporate purposes, all municipal corporations may be vested with authority to assess and collect taxes; but such taxes shall be uniform in respect to persons and property, within the jurisdiction of the body imposing the same.

§ 10. **State Taxation for Municipal Purposes Prohibited.**] The general assembly shall not impose taxes upon municipal corporations, or the inhabitants or property thereof,

for corporate purposes, but shall require that all the taxable property within the limits of municipal corporations shall be taxed for the payment of debts contracted under authority of law, such taxes to be uniform in respect to persons and property within the jurisdiction of the body imposing the same. Private property shall not be liable to be taken or sold for the payment of the corporate debts of a municipal corporation.

§ 11. **Officers—Eligibility and Compensation.**] No person who is in default, as collector or custodian of money or property belonging to a municipal corporation, shall be eligible to any office in or under such corporation. The fees, salary or compensation of no municipal officer who is elected or appointed for a definite term of office, shall be increased or diminished during such term.

§ 12. **Limitation of Indebtedness.**] No county, city, township, school district, or other municipal corporation, shall be allowed to become indebted in any manner or for any purpose, to an amount, including existing indebtedness, in the aggregate exceeding five per centum on the value of the taxable property therein, to be ascertained by the last assessment for state and county taxes, previous to the incurring of such indebtedness. Any county, city, school district, or other municipal corporation, incurring any indebtedness as aforesaid, shall before, or at the time of doing so, provide for the collection of a direct annual tax sufficient to pay the interest on such debt as it falls due, and also to pay and discharge the principle thereof within twenty years from the time of contracting the same. This section shall not be construed to prevent any county, city, township, school district, or other municipal corporation, from issuing their bonds in compliance with any vote of the people which may have been had prior to the adoption of this constitution in pursuance of any law providing therefor.

## ARTICLE XI.

§ 4. **Use of Streets for Railroads.]** No law shall be passed by the general assembly granting the right to construct and operate a street railroad within any city, town or incorporated village, without requiring the consent of the local authorities having the control of the street or highway proposed to be occupied by such street railroad.

## SEPARATE SECTIONS.

**Municipal Subscriptions to Railroads or Private Corporations.]** No county, city, town, township, or other municipality, shall ever become subscriber to the capital stock of any railroad or private corporation, or make donation to or loan its credit in aid of such corporation: *Provided, however,* that the adoption of this article shall not be construed as affecting the right of any such municipality to make such subscriptions where the same have been authorized, under existing laws, by a vote of the people of such municipalities prior to such adoption.

# STATUTES RELATING TO CITIES.

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AN ACT To Provide for the Incorporation of Cities and Villages.

Approved April 10, 1872, In Force July 1, 1872.

## ARTICLE I.

### OF THE ORGANIZATION OF CITIES.

#### Section.

1. How a City may Adopt this Act.
2. Notice of Election.
3. The Ballots—Result.
4. How Towns May Become Cities.
5. Organizing a City—Petition—Election—Result.
6. Courts to Take Judicial Notice of Election, Etc.
7. Election of Officers.

#### Section.

8. When County Judge to Give Notice of Election.
9. Term of First Officers.
10. Corporate Name—Powers.
11. Prior Ordinances, Etc., in Force.
12. Rights, Etc., of Old Corporation to Vest in New.
13. Record of Result of Election.
14. Abolishes City Register.

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1. How a City May Adopt This Act.] § 1. That any city now existing in this state may become incorporated under this act in the manner following: Whenever one-eighth of the legal voters of such city, voting at the last preceding municipal election, shall petition the mayor and council thereof to submit the question, as to whether such city shall become incorporated under this act, to a vote of the electors in such city, it shall be the duty of such mayor and council to submit such question to a vote of the electors of said city at the next ensuing municipal election of said city or at a special election, and to give the notice required by law. [As amended by act approved June 17, 1887.]

**2. Notice of Election.]** § 2. The mayor of such city shall give at least thirty days' notice of such election by publishing a notice thereof in one or more newspapers within such city; but if no newspaper is published therein, then by posting at least five copies of such notice in each ward.

**3. The Ballot—Result.]** § 3. The ballots to be used at such election shall be in the following form: "For city organization under general law;" or "Against city organization under general law." The judges of such election shall make returns thereof to the city council, whose duty it shall be to canvass such returns and cause the result of such canvass to be entered upon the records of such city. If a majority of the votes cast at such election shall be for city organization under general law, such city shall thenceforth be deemed to be organized under this act; and the city officers then in office shall, thereupon, exercise the powers conferred upon like officers in this act, until their successors shall be elected and qualified.

**4. How Towns May Become Cities.]** § 4. Any incorporated town or village, in this state, having a population of not less than one thousand (1,000) inhabitants may become incorporated as a city in like manner as hereinbefore provided; but in all such cases the president and trustees of such town or village shall, respectively, perform the same duties relative to such change of organization as is above required to be performed by the mayor and council of cities. [As amended by act approved May 25, 1877.]

**5. Organizing a City—Petition—Election—Result.]** § 5. Whenever any area of contiguous territory in this state, not exceeding four square miles, shall have resident thereon a population of not less than one thousand inhabitants, which shall not already be included within any incorporated town or city, the same may become incorporated as a city in manner following: Any fifty legal voters thereof may file in the of-



fice of the clerk of the county court, of the county in which such inhabitants reside, a petition, addressed to the judge of such court; and if the territory described in said petition shall be in more than one county, then the petition shall be addressed to the judge of the court where a greater part of such territory is situated; which petition shall define the boundaries of such proposed city, and state the number of inhabitants residing within such limits, and also state the name of such proposed city, and shall contain a prayer that the question be submitted to the legal voters residing within such limits, whether they will organize as a city under this act. It shall be the duty of the county judge to fix a time and place, within the boundaries of such proposed city, at which an election may be held to determine such question, and such judge shall name the persons to act as judges in holding such election, and shall give notice thereof by causing ten notices to be posted in public places within such proposed city. And the third section of this article shall be applicable to such election: *Provided*, that the returns of such election shall be made to and canvassed by the county judge and any two justices of the peace whom he shall call to his assistance, instead of the city council; and the result of such election shall be entered upon the records of such county court. If a majority of the votes cast at such election shall be "For city organization under general law," the inhabitants of such territory, described in such petition, shall be deemed to be incorporated as a city, under this act, and with the name stated in the petition.

**6. Courts to Take Judicial Notice of Organization, Etc.]** § 6. All courts in this state shall take judicial notice of the existence of all villages and cities organized under this act, and of the change of the organization of any town or city from its original organization to its organization under this act; and from the time of such organization, or change of organization, the provisions of this act shall be applicable to such cities and villages, and all laws in conflict therewith, shall no

longer be applicable. But all laws, or parts of laws, not inconsistent with the provisions of this act, shall continue in force and applicable to any such city, or village, the same as if such change of organization had not taken place.

**7. Election of Officers.] § 7.** It shall be the duty of the president and board of trustees of any town which shall have voted to change its organization to a city, under this act, to call and give notice of an election to elect city officers, and to designate the time and place, or places, of holding the same. Such notice shall be published in a newspaper, if there be one within the town, or posted in ten public places, for at least twenty days before such election. Such president and trustees shall appoint the judges and clerks to hold such election, canvass the returns thereof, and cause the result to be entered upon the records of the town; and the provisions of this act, relative to the election of city officers, shall be applicable thereto; but, at such election, aldermen may be elected on a general ticket.

**8. When County Judge to Give Notice of Election, Etc.] § 8.** In case of cities organizing under section five (5) of this article, the county judge shall call and give notice of the election, and perform the same duties relative thereto as is above required to be performed by president and trustees of such town, and in canvassing such returns shall call to his assistance two justices of the peace.

**9. Term of First Officers.] § 9.** The city officers elected under either of the preceding sections, shall hold their respective offices until the next succeeding regular election for such officers, respectively, and until their successors are elected, and qualified, as provided in this act.

**10. Corporate Name—Powers.] § 10.** Cities organized under this act shall be bodies politic and corporate, under the name and style of "City of (name)," and under such name may sue and be sued, contract and be contracted with, ac-

quire and hold real and personal property for corporate purposes, have a common seal, and change the same at pleasure, and exercise all the powers hereinafter conferred.

**11. Prior Ordinances, Etc.—in Force Until, Etc.] § 11.**

All ordinances, resolutions and by-laws in force in any city or town when it shall organize under this act, shall continue in full force and effect until repealed or amended, notwithstanding such change of organization; and the making of such change of organization shall not be construed to effect a change in the legal identity, as a corporation, of such city or town.

**12. Rights, Etc., of Old Corporations to Vest in New.]**

§ 12. All rights and property of every kind and description, which were vested in any municipal corporation under its former organization, shall be deemed and held to be vested in the same municipal incorporation upon its becoming incorporated under the provisions of this act; but no rights or liabilities, either in favor of or against such corporation, existing at the time of so becoming incorporated under this act, and no suit or prosecution of any kind, shall be affected by such change, but the same shall stand and progress as if no change had been made: *Provided*, that when a different remedy is given by this act, which may properly be made applicable to any right existing at the time of such city so becoming incorporated under this act, the same shall be deemed cumulative to the remedies before provided, and used accordingly.

**13. Record of Result of Election.] § 13.** The corporate authorities of any city or village which may become organized under this act shall, within three months after organization hereunder, cause to be filed in the office of the recorder of deeds, in the county in which such city or village is situated, a certified copy of the entry made upon the records of the city, village or county court, of the canvass of the votes, showing the result of such election, whereby such city or vil-



lage became so organized—and such recorder of deeds shall record the same. And such corporate authorities shall also cause a like certificate to be filed in the office of the Secretary of State, who shall file the same, and keep a register of cities and villages organized under this act.

**14. City Register's Office Abolished.]** § 14. If any city organized or which may hereafter organize under this act, shall have had by the terms and provisions of its special charter a city register's office or other office in which deeds, mortgages or other instruments were required or authorized by law to be recorded in lieu of recording the same in the recorder's office in the county where said city was situated, such city register's office or recorder's office shall be discontinued under this act, and the city register or recorder or other officer having the custody of the records, books and papers pertaining to such city register or recorder's office, shall deposit such records and books, and papers in the office of the recorder of deeds of the county, in which such city is situated, and shall take the receipt of the recorder of deeds therefor, and such records, and books, and papers, shall from thereafter be deemed and held for all purposes a part of the records of the recorder's office of such county, and shall have like legal effect as if the same had been originally a part of the records of such county recorder's office for all purposes whatsoever, and the same or certified transcripts made therefrom, shall have like force and effect as evidence as other records of said recorder's office. [As amended by act approved May 15, 1879.

## ARTICLE II.

## OF THE MAYOR.

## Section.

- 15. Mayor—Qualifications.
- 16. Vacancy One Year or Over.
- 17. Vacancy Less Than Year.
- 18. Mayor *pro tem*.
- 19. Vacancy by Removal From City.
- 20. Mayor to Preside—Casting Vote.
- 21. When He May Remove Officers.
- 22. His Power to Keep Peace.

## Section.

- 23. Release of Prisoners.
- 24. General Duties.
- 25. To Examine Records, Etc.
- 26. Messages to Council.
- 27. To Call out Militia, Etc., Riots.
- 28. Misconduct, Etc., Mayor or Other Officer—Penalty.
- 29. Revising Ordinances After Change.

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**15. Mayor—His Qualifications.] § 1.** The chief executive officer of a city shall be a mayor, who shall be a citizen of the United States, a qualified elector, reside within the city limits, and hold his office for two years, and until his successor is elected and qualified.

**16. Vacancy One Year or Over.] § 2.** Whenever a vacancy shall happen in the office of the mayor, when the unexpired term shall be one year or over from the date when the vacancy occurs, it shall be filled by an election.

**17. Vacancy Less Than Year.] § 3.** If the vacancy is less than one year, the city council shall elect one of its number to act as mayor, who shall possess all the rights and powers of the mayor until the next annual election, and until his successor is elected and qualified.

**18. Mayor Pro Tem.] § 4.** During a temporary absence or disability of the mayor, the city council shall elect one of its number to act as mayor *pro tem.*, who, during such absence or disability, shall possess the powers of mayor.

**19. Vacancy by Removal From City.] § 5.** If the mayor, at any time during the term of his office, shall remove from the limits of the city, his office shall thereby become vacant.

**20. Mayor to Preside, Casting Vote.] § 6.** The mayor

shall preside at all meetings of the city council, but shall not vote except in case of a tie, when he shall give the casting vote.

**21. When He May Remove Officers.]** § 7. The mayor shall have power to remove any officer appointed by him, on any formal charge, whenever he shall be of the opinion that the interests of the city demand such removal, but he shall report the reasons for such removal to the council at a meeting to be held not less than five days nor more than ten days after such removal; and if the mayor shall fail, or refuse to file with the city clerk a statement of the reasons for such removal, or if the council by a two-thirds ( $\frac{2}{3}$ ) vote of all its members authorized by law to be elected, by yeas and nays, to be entered upon its record, disapprove of such removal, such officer shall thereupon become restored to the office from which he was so removed; but he shall give new bonds and take a new oath of office. No officer shall be removed a second time for the same offense. [As amended by act approved May 31, 1879.

**22. His Power to Keep Peace.]** § 8. He may exercise within the city limits, the powers conferred upon sheriffs, to suppress disorder and keep the peace.

**23. Release of Prisoners.]** § 9. He may release any person imprisoned for violation of any city ordinance, and shall report such release, with the cause thereof, to the council at its first session thereafter.

**24. General Duties.]** § 10. He shall perform all such duties as are or may be prescribed by law or by the city ordinances, and shall take care that the laws and ordinances are faithfully executed.

**25. Power to Examine Records, Etc.]** § 11. He shall have power at all times to examine and inspect the books, records and papers of any agent, employe or officer of the city.

**26. Messages to Council.]** § 12. The mayor shall, annually, and from time to time, give the council information relative to the affairs of the city, and shall recommend for their consideration such measures as he may deem expedient.

**27. To Call Out Militia, Etc., Riots, Etc.]** § 13. He shall have power, when necessary, to call on every male inhabitant of the city, over the age of 18 years, to aid in enforcing the laws and ordinances, and to call out the militia to aid in suppressing riots and other disorderly conduct, or carrying into effect any law or ordinance, subject to the authority of the governor as commander-in-chief of the militia.

**28. Misconduct, Etc., of Mayor or Other Officer, Penalty.]** § 14. In case the mayor or any other municipal officer shall at any time be guilty of a palpable omission of duty, or shall willfully and corruptly be guilty of oppression, malconduct or misfeasance in the discharge of the duties of his office, he shall be liable to indictment in any court of competent jurisdiction, and, on conviction, shall be fined in a sum not exceeding \$1,000; and the court in which such conviction shall be had shall enter an order removing such officer from office.

**29. Revising Ordinances After Change of Organization.]** § 15. He may appoint, by and with the advice and consent of the city council, immediately after such change of organization, one or more competent persons to prepare and submit to the city council, for their adoption or rejection, an ordinance in revision of the ordinances of such city, and for the government of such city, the compensation of such reviser or revisers to be determined and fixed by the city council and paid out of the city treasury.

## ARTICLE III.

## OF THE CITY COUNCIL.

## Section.

30. Council—How Composed.
31. Number of Aldermen.
32. Term of Office of Aldermen.
33. Vacancy.
34. Qualifications of Aldermen.
35. Council Judge of Election and Qualification of.
36. Rules—Expulsion—Bribery.
37. Quorum—Compelling Attendance.
38. Meetings.
39. Chairman *pro tem*.

## Section.

40. Open Doors.
41. Journal Shall be Kept.
42. Yeas and Nays — Record — Vote Required.
43. Not Rescind Vote at Special Meeting Unless, Etc.
44. When Report Laid Over.
45. Territorial Jurisdiction.
46. Special Meetings.
47. Ordinance—Appeal—Vote.
48. Reconsideration—Passing Over Veto.

**30. Council, How Composed.]** § 1. The city council shall consist of the mayor and aldermen.

**31. Number of Aldermen.]** § 2. The number of aldermen, when not elected by the minority representation plan, shall be as follows: In cities not exceeding 3,000 inhabitants, six aldermen; exceeding 3,000, but not exceeding 5,000, eight aldermen; exceeding 5,000 and not exceeding 10,000, ten aldermen; exceeding 10,000 and not exceeding 30,000, fourteen aldermen; and two additional aldermen for every 20,000 inhabitants over 30,000: *Provided, however*, that in cities of over 350,000 inhabitants there shall be elected forty-eight aldermen and no more, unless additional territory shall be annexed to such city, after such city shall have been divided into wards on the basis of forty-eight aldermen, in which case, and as often as new territory shall be annexed to such city, as aforesaid, containing three or more square miles of territory or 15,000 inhabitants and not exceeding 25,000 inhabitants, such annexed territory shall constitute a ward of such city, and the city council of such city shall authorize the legal voters of such annexed territory to elect two aldermen from such ward in such annexed territory, which said aldermen in such annexed territory shall be additional to said forty-eight aldermen,



and who shall possess all the qualifications of, and be elected at the time and in the manner, provided in the said act, of which this is an amendment: *Provided*, that if said annexed territory shall contain more than 25,000 inhabitants, then the city council shall authorize the legal voters of such annexed territory to elect two aldermen for every 25,000 inhabitants thereof, and two additional aldermen for every fraction of 15,000 inhabitants or more. The number of inhabitants to be determined by the last preceding national, State or school census of such annexed territory. And if any such annexed territory has less than 15,000 inhabitants, and less than three square miles in extent, then the city council shall annex it to any ward or wards which it adjoins: *Provided, further*, that when the number of aldermen in any such city shall reach seventy by reason of such annexed territory, the city council shall redistrict said city into thirty-five new wards, and no more; and when said number of aldermen shall reach seventy, if any new territory is thereafter annexed which shall contain 25,000 inhabitants, or more, as determined by the last preceding national, State, school, or other census authorized by law to be taken, then said city council shall redistrict said city into thirty-five wards: *Provided, further*, that whenever, after such new territory shall have been annexed, as aforesaid, said city shall be redistricted, the number of wards at the time said city is so redistricted, shall be preserved, and the city council thereof may, in its discretion, change the boundary between such new ward and the original territory of the city and make said new ward larger or smaller, to comply with the requirements of said act as to compactness and equality of inhabitants. *And provided, further*, if it shall appear from any census heretofore or hereafter taken, that any city has the requisite number of inhabitants to authorize it to increase the number of aldermen, it shall be the duty of the city council thereof to proceed without delay and redistrict such city in accordance with the provisions hereof, and to call and hold its next city election in

accordance with such new redistricting: *Provided*, that at such election the aldermen who hold over shall be considered aldermen for the new wards respectively in which their residence shall be, unless there shall be two or more aldermen who hold over in the same ward under this proviso, then, in such case, it shall be determined by lot in presence of the city council, in such manner as they shall direct, which alderman shall hold over for such ward. [As amended by act approved and in force June 4, 1889.

**32. Term of Office.]** § 3. Aldermen shall hold their office for the term of two years, and until their successors are elected and qualified.

**33. Vacancy.]** § 4. If any vacancy shall occur in the office of alderman by death, resignation, removal or otherwise, such vacancy shall be filled by election.

**34. Qualifications of Aldermen.]** § 5. No person shall be eligible to the office of alderman unless he shall be a qualified elector, and reside within the ward for which he is elected, nor shall he be eligible if he is in arrears in the payment of any tax or other liability due to the city; nor shall he be directly or indirectly interested in any contract whatever to which the city is a party; nor shall he be eligible if he shall have been convicted of malfeasance, bribery or other corrupt practices or crimes; nor shall he be eligible to any office, the salary of which is payable out of the city treasury, if at the time of his appointment he shall be a member of the city council; nor shall any member of the city council at the same time hold any other office under the city government; nor shall he be either directly or indirectly, individually or as a member of a firm, engaged in any business transaction (other than official) with such city, through its mayor or any of its authorized boards, agents or attorneys, whereby any money is to be paid, directly or indirectly, out of the city treasury to such member or firms.



**35. Council Judge of Its Members.] § 6.** The city council shall be judge of the election and qualification of its own members.

**36. Rules—Expulsion—Bribery.] § 7.** It shall determine its own rules of proceeding, punish its members for disorderly conduct, and with the concurrence of two-thirds of the aldermen-elect, may expel a member, but not a second time for the same offense: *Provided*, that any alderman or councilman who shall have been convicted of bribery shall thereby be deemed to have vacated his office.

**37. Quorum—Compelling Attendance.] § 8.** A majority of the aldermen elect shall constitute a quorum to do business, but a smaller number may adjourn from time to time, and may compel the attendance of absentees under such penalties as may be prescribed by ordinance.

**38. Meetings.] § 9.** The city council may prescribe, by ordinance, the times and places of the meeting thereof, and the manner in which special meetings thereof may be called.

**39. Chairman Pro Tem.] § 10.** It may elect a temporary chairman in the absence of the mayor.

**40. Open Doors.] § 11.** It shall sit with open doors.

**41. Journal.] § 12.** It shall keep a journal of its own proceedings.

**42. Yeas and Nays—Record—Vote Required.] § 13.** The yeas and nays shall be taken upon the passage of all ordinances, and on all propositions to create any liability against the city, or for the expenditure or appropriation of its money, and in all other cases at the request of any member, which shall be entered on the journal of its proceedings; and the concurrence of a majority of all the members elected in the city council shall be necessary to the passage of any such ordinance or proposition: *Provided*, it shall require two-thirds of all the aldermen elect to sell any city or school property.

**43. Not to Rescind Vote at Special Meeting—Unless—Etc.]** § 14. No vote of the city council shall be reconsidered or rescinded at a special meeting, unless at such special meeting there be present as large a number of aldermen as were present when such vote was taken.

**44. When Report Laid Over.]** § 15. Any report of a committee of the council shall be deferred, for final action thereon, to the next regular meeting of the same after the report is made, upon the request of any two aldermen present.

**45. Territorial Jurisdiction.]** § 16. The city council and board of trustees shall also have jurisdiction in and over all places within one-half mile of the city or village limits, for the purpose of enforcing health and quarantine ordinances and regulations thereof.

**46. Special Meeting.]** § 17. The mayor or any three aldermen may call special meetings of the city council.

**47. Ordinances—Approval—Veto.]** § 18. All ordinances passed by the city council shall, before they take effect, be deposited in the office of the city clerk; and if the mayor approves thereof, he shall sign the same, and such as he shall not approve he shall return to the council, with his objections thereto, in writing, at the next regular meeting of the council occurring not less than five days after the passage thereof. Such veto may extend to any one or more items or appropriations contained in any ordinance making an appropriation, or to the entire ordinance; and in case the veto only extends to a part of such ordinance, the residue thereof shall take effect and be in force. But in case the mayor shall fail to return any ordinance, with his objections thereto, by the time aforesaid, he shall be deemed to have approved such ordinance, and the same shall take effect accordingly.

**48. Reconsideration—Passing Over Veto.]** § 19. Upon the return of any ordinance by the mayor, the vote by which the same was passed shall be reconsidered by the council; and,

if, after such reconsideration, two-thirds of all the members elected to the city council shall agree, by yeas and nays, to pass the same, it shall go into effect, notwithstanding the mayor may refuse to approve thereof. The vote to pass the same over the mayor's veto shall be taken by yeas and nays, and entered on the journal.

## ARTICLE IV.

### ELECTIONS.

#### I. See Additional Laws—Elections.

Section.	Section.
49. Annual Election.	57. Council to Designate Place of Election.
50. Election of Mayor.	58. Manner of Conducting Elections.
51. Who Entitled to Vote.	59. Result—Tie.
52. Wards.	60. Notice to Persons Elected or Appointed.
53. Aldermen at First Election Classified.	61. Where No Quorum in Office—Special Election.
54. Minority Representation.	62. Special Election.
55. Aldermen Under Minority Representation.	
56. Aldermen When Minority Plan Not Adopted.	

**49. Annual Election.]** § 1. A general election for city officers shall be held on the third Tuesday of April, of each year: *Provided*, that in cities which include wholly within their corporate limits a town or towns, such elections shall be held on the first Tuesday of April. [As amended by act approved and in force March 9, 1877.

**50. Election of Mayor—City Clerk—Attorney—and Treasurer.]** § 2. At the general election held in 1877, and biennially thereafter, a mayor, a city clerk, a city attorney, and a city treasurer shall be elected in each city: *Provided*, that no person shall be elected to the office of city treasurer for two terms in succession. [As amended by act approved and in force March 26, 1877.

**51. Who Entitled to Vote.]** § 3. All persons entitled

to vote at any general election for state officers within any city or village, having resided therein thirty days next preceding thereto, may vote at any election for city or village officers.

**52. Wards.] § 4.** The city council of any city in this State, whether organized under this act or under any special law of this State, may, from time to time, divide the city into one-half as many wards as the total number of aldermen to which the city is entitled; and one alderman shall annually be elected in and for each ward, to hold his office for two years, and until his successor is elected and qualified. In the formation of wards the population of each shall be as nearly equal and the ward shall be of as compact and contiguous territory as practicable. [As amended by act approved June 17, 1887,

**53. Aldermen at First Election—Classified.] § 5.** At the first election under this act, there shall be elected the full number of aldermen to which the city shall be entitled. At the first meeting of the city council after such election, the aldermen elected shall be divided, by lot, into two classes: those of the first class shall continue in office for one year, and those of the second for two years. And upon any increase of the number of aldermen, at their first election, one-half shall be elected for one year, and one-half for two years.

**54. Minority Representation.] § 6.** Whenever this act shall be submitted to the qualified electors of any city for adoption, there shall be submitted at the same time for adoption or rejection the question of minority representation in the city council or legislative authority of such city. At the said election the ballot shall be in the following form: "For minority representation in the city council," or "against minority representation in the city council," and at any subsequent time, on petition of the legal voters equal in number to one-eighth the number of legal votes cast at the next preceding general city election, the city council shall cause the question of minority representation to be submitted to the legal voters of said city,

and the ballots shall be in form as provided in this section: *Provided*, that no such question of representation shall be submitted more than once in every two years. The judges of such election shall make returns thereof to the city council, whose duty it shall be to canvass such returns, and to cause the result of such canvass to be entered on the records of such city. If a majority of the votes cast at such election shall be for equal representation in the city council, then the members of the city council, or legislative authority of such city, shall be thereafter elected in the following manner: The council or legislative authority of such city, at least one month before the general election in the year in which this act shall take effect in such city, shall apportion such city by dividing the population thereof, as ascertained by the last Federal Census, by any number not less than two, nor more than six, and the quotient shall be the ratio of representation in the city council. Districts shall be formed of contiguous and compact territory, and contain, as near as practicable, an equal number of inhabitants: *And provided, further*, that where said council or legislative authority of such city have not fixed a ratio of representation and formed the districts or wards, at the time above specified, the same may be done by any subsequent board of aldermen; but all official acts heretofore done, and ordinances heretofore passed by any board of aldermen elected at large by the legal electors of any such city on the minority representation plan, shall be held and taken by all courts in this State, to be of as much validity and binding force as if they had been elected from wards or districts. [As amended by act approved and in force April 11, 1883.

**55. Aldermen Under Minority Plan.] § 7.** Every such district shall be entitled to three aldermen, who shall hold their office for two years, and until their successors shall be elected and qualified. At the first general election for mayor, after the passage of this act, and every two years thereafter, there shall be elected in each ward as many aldermen as such



ward shall be entitled to: *Provided*, that aldermen elected under this act, in wards wherein aldermen were elected for two years at the last previous annual election, shall not take their seats as such until the terms of the aldermen last aforesaid shall expire. Vacancies shall be filled at an election to be held by the voters of the district in which such vacancies shall occur, at the time to be designated by the city council. In all elections for aldermen aforesaid, each qualified voter may cast as many votes as there are aldermen to be elected in his district, or may distribute the same, or equal parts thereof, among the candidates as he shall see fit, and the candidate highest in votes shall be declared elected. [As amended by act approved and in force April 11, 1883.

**56. Aldermen When Minority Plan Not Adopted.]**

§ 8. If a majority of the votes cast at such election shall be "Against minority representation in the city council," the preceding section shall be null and void, so far as it relates to such city at such election, and the aldermen of such city shall be elected as otherwise provided for in this act.

**57. Place of Election—Notice.]** § 9. The city council shall designate the place or places in which the election shall be held, and appoint the judges and clerks thereof, and cause notice to be printed in some newspaper published in such city, if there be one, or posted at each voting place in such city, of the time, places of election, and of the officers to be elected, for at least twenty days prior to such election.

**58. Manner of Conducting Elections, Etc.]** § 10. The manner of conducting and voting at elections to be held under this act and contesting the same, the keeping of poll lists and canvassing the votes, shall be the same, as nearly as may be, as in the case of the election of county officers, under the general laws of this state. The judges of election shall appoint clerks, when necessary to fill vacancies, and the judges and clerks shall take the same oath and have the same powers

and authority as the judges and clerks of general state elections. After the closing of the polls, the ballots shall be counted and the returns made out and returned, under seal, to the city or village clerk, as the case may be, within two days after the election; and, thereupon, the city council or board of trustees, as the case may be, shall examine and canvass the same and declare the result of the election, and cause a statement thereof to be entered upon its journals.

**59. Result—Tie.] § 11.** The person having the highest number of votes, for any office, shall be declared elected. In case of a tie in the election of any city or village officer, it shall be determined by lot, in presence of the city council or board of trustees, in such manner as they shall direct, which candidate or candidates shall hold the office.

**60. Notice to Persons Elected or Appointed.] § 12.** It shall be the duty of the village or city clerk, within five days after the result of the election is declared or appointment made, to notify all persons elected or appointed to office of their election or appointment, and unless such persons shall respectively qualify in ten days after such notice, the office shall become vacant.

**61. When No Quorum in Office—Special Election.] § 13.** If, for any cause, there shall not be a quorum in office of the city council or board of trustees, the mayor, clerk, or any alderman or trustee, as the case may be, may appoint the time and place for holding a special election to supply such vacancy and give notice and appoint the judges thereof.

**62. Special Elections.] § 14.** If there is a failure to elect any officer herein required to be elected, or the person elected should fail to qualify, the city council or board of trustees may forthwith order a new election therefor; and in all cases, when necessary for the purposes of this act, may call special elections, appoint judges and clerks thereof, canvass the returns thereof, and provide by ordinance for the



mode of conducting the same; and shall give notice of such special elections, in which shall be stated the questions to be voted upon, and cause such notices to be published or posted for the same length of time and in the same manner as is required in the case of regular annual elections in such cities or villages.

## ARTICLE V.

## OF THE POWERS OF THE CITY COUNCIL.

## Section.

- 63. General Powers of Council.
- 64. Emergency.
- 65. May License Itinerant Merchants.
- 66. May License Engineers—Penalty.
- 67. Board to Examine—License.
- 68. Style of Ordinances.
- 69. Publication of Ordinances—When to take Effect.
- 70. Proof of Ordinances.
- 71. Suits for Violating Ordinances.

## Section.

- 72. Fines and Licenses—Paid to Treasurer.
- 73. Summons—Affidavit—Punishment.
- 74. Jurisdiction of Justices.
- 75. Constable or Sheriff May Serve Process.
- 76. Jurisdiction Over Waters—Street Labor.
- 77. Labor on Streets.
- 78. Fines and Penalties.

**63. Penalties.]** § 1. The city council in cities, and president and the board of trustees in the villages, shall have the following powers:

*First*—To control the finances and property of the corporation.

*Second*—To appropriate money for corporate purposes only, and provide for payment of debts and expenses of the corporation.

*Third*—To levy and collect taxes for general and special purposes on real and personal property.

*Fourth*—To fix the amount, terms and manner of issuing and revoking licenses.

*Fifth*—To borrow money on the credit of the corporation for corporate purposes, and issue bonds therefor, in such amounts and form, and on such conditions as it shall prescribe, but shall not become indebted in any manner or for

any purpose to an amount, including existing indebtedness, in the aggregate to exceed five (5) per centum on the value of the taxable property therein, to be ascertained by the last assessment for the state and county taxes previous to the incurring of such indebtedness, and before or at the time of incurring any indebtedness, shall provide for the collection of a direct annual tax sufficient to pay the interest on such debt as it falls due, and also to pay and discharge the principal thereof within twenty years after contracting the same.

*Sixth*—To issue bonds in place of or to supply means to meet maturing bonds, or for the consolidation or funding of the same.

*Seventh*—To lay out, to establish, open, alter, widen, extend, grade, pave or otherwise improve streets, alleys, avenues, sidewalks, wharves, parks and public grounds, and vacate the same.

*Eighth*—To plant trees upon the same.

*Ninth*—To regulate the use of the same.

*Tenth*—To prevent and remove encroachments or obstructions upon the same.

*Eleventh*—To provide for the lighting of the same.

*Twelfth*—To provide for the cleansing of the same.

*Thirteenth*—To regulate the openings therein for the laying of gas or water mains and pipes, and the building and repairing of sewers, tunnels and drains, and erecting gas lights: *Provided, however,* that any company heretofore organized under the general laws of this State, or any association of persons organized, or which may be hereafter organized for the purpose of manufacturing illuminating gas to supply cities or villages, or the inhabitants thereof, with the same, shall have the right, by consent of the common council (subject to existing rights), to erect gas factories, and lay down pipes in the streets or alleys of any city or village of this State, subject to such regulations as any such city or village may by ordinance impose.

*Fourteenth*—To regulate the use of sidewalks and all structures thereunder; and to require the owner or occupant of any premises to keep the sidewalks in front of, or along the same, free from snow and other obstructions.

*Fifteenth*—To regulate and prevent the throwing or depositing of ashes, offal, dirt, garbage, or any offensive matter in, and to prevent injury to any street, avenue, alley, or public ground.

*Sixteenth*—To provide for and regulate crosswalks, curbs and gutters.

*Seventeenth*—To regulate and prevent the use of streets, sidewalks and public grounds for signs, sign posts, awnings, awning posts, telegraph poles, horse troughs, racks, posting hand bills and advertisements.

*Eighteenth*—To regulate and prohibit the exhibition or carrying of banners, placards, advertisements or hand bills in the streets or public grounds, or upon the sidewalks.

*Nineteenth*—To regulate and prevent the flying of flags, banners or signs across the streets or from houses.

*Twentieth*—To regulate traffic and sales upon the streets, sidewalks and public places.

*Twenty-first*—To regulate the speed of horses and other animals, vehicles, cars and locomotives within the limits of the corporation.

*Twenty-second*—To regulate the numbering of houses and lots.

*Twenty-third*—To name and change the name of any street, avenue, alley, or other public place.

*Twenty-fourth*—To permit, regulate or prohibit the locating, constructing, or laying a track of any horse railroad in any street, alley or public place; but such permission shall not be for a longer time than twenty years.

*Twenty-fifth*—To provide for and change the location, grade and crossings of any railroad.

*Twenty-sixth*—To require railroad companies to fence their

respective railroads, or any portion of the same, and to construct cattle guards, crossings of streets and public roads, and keep the same in repair within the limits of the corporation. In case any railroad company shall fail to comply with any such ordinance, it shall be liable for all damages the owner of any cattle or horses, or other domestic animal, may sustain by reason of injuries thereto while on the track of such railroad, in like manner and extent as under the general laws of this State, relative to the fencing of railroads; and actions to recover such damages may be instituted before any justice of the peace or other court of competent jurisdiction.

*Twenty-seventh*—To require railroad companies to keep flagmen at railroad crossings of streets, and provide protection against injury to persons and property in the use of such railroads. To compel such railroads to raise or lower their railroad tracks to conform to any grade which may, at any time, be established by such city, and where such tracks run lengthwise of any such street, alley or highway, to keep their railroad tracks on a level with the street surface, and so that such tracks may be crossed at any place on such street, alley or highway. To compel and require railroad companies to make and keep open and to keep in repair ditches, drains, sewers and culverts along and under their railroad tracks, so that filthy or stagnant pools of water cannot stand on their grounds or right of way, and so that the natural drainage of adjacent property shall not be impeded.

*Twenty-eighth*—To construct and keep in repair bridges, viaducts and tunnels, and to regulate the use thereof.

*Twenty-ninth*—To construct and keep in repair culverts, drains, sewers and cess pools, and to regulate the use thereof.

*Thirtieth*—To deepen, widen, dock, cover, wall, alter, or change the channel of water courses.

*Thirty-first*—To construct and keep in repair canals and slips for the accommodation of commerce.

*Thirty-second*—To erect and keep in repair public landing places, wharves, docks and levees.

*Thirty-third*—To regulate and control the use of public and private landing places, wharves, docks and levees.

*Thirty-fourth*—To control and regulate the anchorage, moorage and landing of all water craft and their cargoes within the jurisdiction of the corporation.

*Thirty-fifth*—To license, regulate and prohibit wharf-boats, tugs and other boats used about the harbor, or within such jurisdiction.

*Thirty-sixth*—To fix the rate of wharfage and dockage.

*Thirty-seventh*—To collect wharfage and dockage from all boats, rafts, or other craft landing at or using any public landing place, wharf, dock or levee within the limits of the corporation.

*Thirty-eighth*—To make regulations in regard to the use of harbors, towing of vessels, opening and passing of bridges.

*Thirty-ninth*—To appoint harbor masters and define their duties.

*Fortieth*—To provide for the cleansing and purification of waters, water-courses and canals, and the draining or filling of ponds on private property, whenever necessary to prevent or abate nuisances.

*Forty-first*—To license, tax, regulate, suppress and prohibit hawkers, peddlers and pawnbrokers, keepers of ordinaries, theatricals and other exhibitions, shows and amusements, and to revoke such license at pleasure.

*Forty-second*—To license, tax and regulate hackmen, draymen, omnibus drivers, carters, cabmen, porters, expressmen, and all others pursuing like occupations, and to prescribe their compensation.

*Forty-third*—To license, regulate, tax and restrain runners for stages, cars, public houses or other things or persons.

*Forty-fourth*—To license, regulate, tax or prohibit and suppress billiard, bagatelle, pigeon-hole or any other tables or im-



plements kept or used for a similar purpose in any place of public resort, pin alleys and ball alleys.

*Forty-fifth*—To suppress bawdy and disorderly houses, houses of ill-fame or assignation, within the limits of the city, and within three miles of the outer boundaries of the city; and also to suppress gaming and gambling houses, lotteries and all fraudulent devices and practices, for the purpose of gaming or obtaining money or property; and to prohibit the sale or exhibition of obscene or immoral publications, prints, pictures or illustrations.

*Forty-sixth*—To license, regulate and prohibit the selling or giving away of any intoxicating, malt, vinous, mixed or fermented liquor, the license not to extend beyond the municipal year in which it shall be granted, and to determine the amount to be paid for such license: *Provided*, that the city council in cities, or president and board of trustees in villages, may grant permits to druggists for the sale of liquors for medicinal, mechanical, sacramental and chemical purposes only, subject to forfeiture, and under such restrictions and regulations as may be provided by ordinance: *Provided, further*, that in granting licenses, such corporate authorities shall comply with whatever general law of the State may be in force relative to the granting of licenses.

*Forty-seventh*—The foregoing shall not be construed to affect the provisions of the charter of any literary institution heretofore granted.

*Forty-eighth*—And the city council in cities, and president and board of trustees in villages, shall also have the power to forbid and punish the selling or giving away of any intoxicating, malt, vinous, mixed or fermented liquor to any minor, apprentice or servant or insane, idiotic or distracted person, habitual drunkard, or person intoxicated.

*Forty-ninth*—To establish markets and market-houses, and provide for the regulation and use thereof.

*Fiftieth*—To regulate the sale of meats, poultry, fish, but-

ter, cheese, lard, vegetables, and all other provisions, and to provide for place and manner of selling the same.

*Fifty-first*—To prevent and punish forestalling and regrating.

*Fifty-second*—To regulate the sale of bread in the city or village; prescribe the weight and quality of the bread in the loaf.

*Fifty-third*—To provide for and regulate the inspection of meats, poultry, fish, butter, cheese, lard, vegetables, cotton, tobacco, flour, meal and other provisions.

*Fifty-fourth*—To regulate the inspection, weighing and measuring of brick, lumber, firewood, coal, hay and any article of merchandise.

*Fifty-fifth*—To provide for the inspection and sealing of weights and measures.

*Fifty-sixth*—To enforce the keeping and use of proper weights and measures by vendors.

*Fifty-seventh*—To regulate the construction, repairs and use of vaults, cisterns, areas, hydrants, pumps, sewers and gutters.

*Fifty-eighth*—To regulate places of amusement.

*Fifty-ninth*—To prevent intoxication, fighting, quarreling, dog fights, cock fights, and all disorderly conduct.

*Sixtieth*—To regulate partition fences and party walls.

*Sixty-first*—To prescribe the thickness, strength and manner of constructing stone, brick and other buildings, and construction of fire escapes therein.

*Sixty-second*—The city council, and the president and trustees in villages, for the purpose of guarding against the calamities of fire, shall have power to prescribe the limits within which wooden buildings shall not be erected or placed, or repaired, without permission, and to direct that all and any buildings, within the fire limits, when the same shall have been damaged by fire, decay or otherwise, to the extent of



fifty per cent. of the value, shall be torn down or removed, and to prescribe the manner of ascertaining such damage.

*Sixty-third*—To prevent the dangerous construction and condition of chimneys, fire-places, hearths, stoves, stove-pipes, ovens, boilers and apparatus used in and about any building and manufactory, and to cause the same to be removed or placed in a safe condition, when considered dangerous; to regulate and prevent the carrying on of manufactories dangerous in causing and promoting fires; to prevent the deposit of ashes in unsafe places, and to cause all such buildings and enclosures as may be in a dangerous state to be put in a safe condition.

*Sixty-fourth*—To erect engine houses, and provide fire engines, hose carts, hooks and ladders, and other implements for prevention and extinguishment of fires, and provide for the use and management of the same by voluntary fire companies or otherwise.

*Sixty-fifth*—To regulate and prevent storage of gunpowder, tar, pitch, resin, coal oil, benzine, turpentine, hemp, cotton, nitro-glycerine, petroleum, or any of the products thereof, and other combustible or explosive material, and the use of lights in stables, shops and other places, and the building of bonfires; also to regulate and restrain the use of fireworks, fire-crackers, torpedoes, Roman candles, sky-rockets and other pyrotechnic displays.

*Sixty-sixth*—To regulate the police of the city or village, and pass and enforce all necessary police ordinances.

*Sixty-seventh*—To provide for the inspection of steam boilers.

*Sixty-eighth*—To prescribe the duties and powers of a superintendent of police, policemen and watchmen.

*Sixty-ninth*—To establish and erect calaboses, bridewells, houses of correction and workhouses for the reformation and confinement of vagrants, idle and disorderly persons, and persons convicted of violating any city or village ordinance, and

make rules and regulations for the government of the same, and appoint necessary keepers and assistants.

*Seventieth*—To use the county jail for the confinement or punishment of offenders, subject to such conditions as are imposed by law, and with the consent of the county board.

*Seventy-first*—To provide by ordinance in regard to the relation between all the officers and employes of the corporation in respect to each other, the corporation and the people.

*Seventy-second*—To prevent and suppress riots, routs, affrays, noises, disturbances, disorderly assemblies in any public or private place.

*Seventy-third*—To prohibit and punish cruelty to animals.

*Seventy-fourth*—To restrain and punish vagrants, mendicants and prostitutes.

*Seventy-fifth*—To declare what shall be a nuisance, and to abate the same; and to impose fines upon parties who may create, continue or suffer nuisances to exist.

*Seventy-sixth*—To appoint a board of health, and prescribe its powers and duties.

*Seventy-seventh*—To erect and establish hospitals and medical dispensaries, and control and regulate the same.

*Seventy-eighth*—To do all acts, make all regulations which may be necessary or expedient for the promotion of health or the suppression of disease.

*Seventy-ninth*—To establish and regulate cemeteries within or without the corporation, and acquire lands therefor, by purchase or otherwise, and cause cemeteries to be removed, and prohibit their establishment within one mile of the corporation.

*Eightieth*—To regulate, restrain and prohibit the running at large of horses, cattle, swine, sheep, goats, geese and dogs, and to impose a tax on dogs.

*Eighty-first*—To direct the location and regulate the management and construction of packing houses, renderies, tallow

chandleries, bone factories, soap factories and tanneries within the limits of the city or village, and within the distance of one mile without the city or village limits.

*Eighty-second*—To direct the location and regulate the use and construction of breweries, distilleries, livery stables, blacksmith shops and foundries within the limits of the city or village.

*Eighty-third*—To prohibit any offensive or unwholesome business or establishment within, or within one mile of the limits of the corporation.

*Eighty-fourth*—To compel the owner of any grocery, cellar, soap or tallow chandlery, tannery, stable, pig-sty, privy, sewer or other unwholesome or nauseous house or place, to cleanse, abate, or remove the same, and to regulate the location thereof.

*Eighty-fifth*—The city council or trustees of a village, shall have power to provide for the taking of the city or village census, but no city or village census shall be taken by authority of the council or trustees oftener than once in three years.

*Eighty-sixth*—To provide for the erection and care of public buildings necessary for the use of the city or village.

*Eighty-seventh*—To establish ferries, toll bridges, and license and regulate the same, and from time to time fix tolls thereon.

*Eighty-eighth*—To authorize the construction of mills, mill-races, and feeders on, through or across the streets of the city or village, at such places and under such restrictions as they shall deem proper.

*Eighty-ninth*—The city council shall have power, by condemnation or otherwise, to extend any street, alley or highway over or across, or to construct any sewer under or through any railroad track, right of way, or land of any railroad company (within the corporate limits); but where no compensa-

tion is made to such railroad company, the city shall restore such railroad track, right of way or land to its former state, or in a sufficient manner not to have impaired its usefulness.

*Ninetieth*—The city council or board of trustees shall have no power to grant the use of or the right to lay down any railroad tracks in any street of the city to any steam, dummy, electric, cable, horse, or other railroad company, whether the same shall be incorporated under any general or special law of the State, now or hereafter in force, except upon the petition of the owners of the land representing more than one-half of the frontage of the street, or so much thereof as is sought to be used for railroad purposes, and when the street or part thereof sought to be used shall be more than one mile in extent, no petition of land owners shall be valid unless the same shall be signed by the owners of the land representing more than one-half of the frontage of each mile and of the fraction of a mile if any in excess of the whole miles, measuring from the initial point named in such petition, of such street or of the part thereof sought to be used for railroad purposes.

*Ninety-first*—To tax, license and regulate auctioneers, distillers, brewers, lumber yards, livery stables, public scales, money changers and brokers.

*Ninety-second*—To prevent and regulate the rolling of hoops, playing of ball, flying of kites, or any other amusement or practice having a tendency to annoy persons passing in the streets or on the sidewalks, or to frighten teams and horses.

*Ninety-third*—To regulate and prohibit the keeping of any lumber yard, and the placing or piling or selling any lumber, timber, wood or other combustible material, within the fire limits of the city.

*Ninety-fourth*—To provide by ordinance, that all the paper, printing, stationery, blanks, fuel, and all the supplies needed for the use of the city, shall be furnished by contract let to the lowest bidder.

*Ninety-fifth*—To tax, license and regulate second-hand and junk stores, and to forbid their purchasing or receiving from minors, without the written consent of their parents or guardians, any article whatsoever.

*Ninety-sixth*—To pass all ordinances, rules, and make all regulations, proper or necessary, to carry into effect the powers granted to cities or villages, with such fines or penalties as the city council or board of trustees shall deem proper: *Provided*, no fine or penalty shall exceed \$200.00, and no imprisonment shall exceed six months for one offense. [As amended by act approved and in force March 30, 1887.

**64. Emergency.** § 2. Whereas, some question exists as to the necessity of a petition signed by the property owners to authorize the granting to companies organized under what is known as the Horse and Dummy Act, the right to use streets; therefore, an emergency exists, and this act shall take effect and be in force from and after its passage. [As amended by act approved and in force March 30, 1887.

AN ACT to extend the powers of the city council in cities, and the president and board of trustees in villages and incorporated towns. [Approved June 16, 1887. In force July 1, 1887.

**65. Power to License, Tax, Etc.—Itinerant Merchants, Etc.]** § 1. That the city council in cities, and the president and board of trustees in villages and incorporated towns, shall have power to license, tax, regulate, suppress or prohibit itinerant merchants and transient venders of merchandise.

AN ACT to insure the better protection of life and property from steam boiler explosions. [Approved June 3, 1889. In force July 1, 1889.

**66. Persons in Charge of Steam Boilers—License—Penalty.]** § 1. That the city council in cities, and the president and board of trustees in towns and villages, shall have power to adopt ordinances within their respective limits, to provide for the examination, licensing and regulation of persons hav-



ing charge of steam boilers under steam pressure, exhausting through an engine, to fix the amount, terms and manner of issuing and revoking licenses to such persons; to provide that it shall not be lawful for any person to exercise, within the limits of the respective cities, towns and villages which may adopt such ordinances, the business of operating steam boilers, under steam pressure, exhausting through an engine, without a license; and to provide that any person violating the provisions of such ordinances shall be liable to a penalty for each breach thereof.

**67. Board to Examine—License, Etc.] § 2.** To require that all persons engaged in such occupation within the jurisdiction of such towns, cities, and villages so adopting such ordinances, shall submit to an examination by a competent board of examiners to be appointed by such councils and boards of trustees, touching their competency and qualifications in regard to such vocations, with power to such board of examiners to license such persons as may be found capable and trustworthy in that behalf.

**68. Style of Ordinances.] § 2.** The style of the ordinances in cities shall be: "Be it ordained by the City Council of....."

**69. Publication of Ordinances—When Take Effect.] § 3.** All ordinances of cities and villages imposing any fine, penalty, imprisonment or forfeiture, or making any appropriation, shall, within one month after they are passed, be published at least once in a newspaper published in the city or village, or, if no such newspaper is published therein, by posting copies of the same in three public places in the city or village; and no such ordinance shall take effect until ten days after it is so published. And all other ordinances, orders and resolutions shall take effect from and after their passage, unless otherwise provided therein.

**70. Proof of Ordinance.] § 4.** All ordinances and the

date of publication thereof, may be proven by the certificate of the clerk, under the seal of the corporation. And when printed in book or pamphlet form and purporting to be published by authority of the board of trustees or the city council, the same need not be otherwise published; and such book or pamphlet shall be received as evidence of the passage and legal publication of such ordinances, as of the dates mentioned in such book or pamphlet, in all courts and places without further proof.

**71. Suits for Violating Ordinances.** | § 5. All actions brought to recover any fine, or to enforce any penalty, under any ordinance of any city or village, shall be brought in the corporate name of the city or village as plaintiff, and no prosecution, recovery or acquittal, for the violation of any such ordinance, shall constitute a defense to any other prosecution of the same party for any other violation of any such ordinance, although the different causes of action existed at the same time, and, if united would not have exceeded the jurisdiction of the court or magistrate.

**72. Fines and Licenses—Paid to Treasurer.** | § 6. All fines and forfeitures for the violation of ordinances, when collected, and all moneys collected for licenses or otherwise, shall be paid into the treasury of the corporation, at such times and in such manner as may be prescribed by ordinance.

**73. Summons—Affidavit—Punishment.** | § 7. In all actions for the violation of any ordinance, the first process shall be a summons: *Provided, however,* that a warrant for the arrest of the offender may issue in the first instance upon the affidavit of any person that any such ordinance has been violated, and that the person making the complaint has reasonable grounds to believe the party charged is guilty thereof; and any person arrested upon such warrant, shall, without unnecessary delay, be taken before the proper officer to be tried for the alleged offense. Any person upon whom



any fine or penalty shall be imposed, may, upon the order of the court or magistrate before whom the conviction is had, be committed to the county jail or the calaboose, city prison, work-house, house of correction, or other place provided by the city or village for the incarceration of offenders, until such fine, penalty and cost shall be fully paid: *Provided*, that no such imprisonment shall exceed six months for any one offense. The city council or board of trustees shall have power to provide by ordinance, that every person so committed shall be required to work for the corporation, at such labor as his or her strength will permit, within and without such prison, work-house, house of correction, or other place provided for the incarceration of such offenders, not exceeding ten hours each working day; and for such work the person so employed to be allowed, exclusive of his or her board, \$2 for each day's work on account of such fine and cost.

**74. Jurisdiction of Justices, Etc.]** § 8. Any and all justices of the peace and police magistrates shall have jurisdiction in all cases arising under the provisions of this act, or any ordinance passed in pursuance thereof.

**75. Constable or Sheriff May Serve Process, Etc.]** § 9. Any constable or sheriff of the county may serve any process, or make any arrest authorized to be made by any city officer.

**76. Jurisdiction Over Waters—Street Labor.]** § 10. The city or village government shall have jurisdiction upon all waters within or bordering upon the same, to the extent of three miles beyond the limits of the city or village, but not to exceed the limits of the state; and may, by ordinance, require every able-bodied male inhabitant, of such city or village, above the age of twenty-one years and under the age of fifty years, (excepting paupers, idiots, lunatics, and such others as are exempt by law), to labor on the streets and alleys of such city or village, not more than three days in each year, but

such ordinance shall provide for commutation of such labor at not more than one dollar and fifty cents per day. [As amended by act approved April 10, 1875.

AN ACT providing for labor on the streets and alleys of all cities and villages in this State. Approved May 31, 1879. In force July 1, 1879.

**77. Labor on Streets, Etc.] § 1.** That the city council in all cities and the president and board of trustees in all villages in this state, may have power, by ordinance, to require every able bodied male inhabitant of any such city or village, above the age of twenty-one years, and under the age of fifty years (excepting paupers, idiots, lunatics, and such others as are exempt by law), to labor on the streets and alleys of any such city or village, not more than two (2) days in each year; but such ordinance shall provide for commutation of such labor at seventy-five cents per day.

**78. Fines and Penalties.] § 2.** Any such city council or president and board of trustees or any such village shall have power, by ordinance, to provide such fines and penalties as may be necessary to enforce the provisions of this act.

## ARTICLE VI.

### OFFICERS—THEIR POWERS AND DUTIES.

#### Section.

- 79. Officers.
- 80. Other Officers—Duties of City Marshal.
- 81. Appointment — Vacancies — Duties — Powers.
- 82. Oath—Bond.
- 83. Commission — Certificate — Delivery to Successor.
- 84. Qualification of Officers.
- 85. Not Interested in Contracts.
- 86. Bribery—Penalty.
- 87. Mayor, etc., Not to Hold Other Office.
- 88. Duties of Clerk.
- 89. Record of Ordinances.

#### Section.

- 90. Conservators of Peace—Powers.
- 91. What Shall Be a Police District.
- 92. Police to Suppress Riot, etc.—Duty of Mayor.
- 93. Emergency.
- 94. Compensation of Mayor.
- 95. Compensation of Aldermen and Trustees.
- 96. Compensation of Other Officers.
- 97. When to be Fixed—Not to be Changed During Term.
- 98. Emergency.
- 99. Administering Oaths.

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**79. Officers.] § 1.** There shall be elected, in all cities

organized under this act, the following officers, viz.: A mayor, a city council, a city clerk, city attorney, and a city treasurer.

**80. Other Officers--Duties of City Marshal.]** § 2. The city council may, in its discretion, from time to time, by ordinance passed by a vote of two-thirds of all the aldermen elected, provide for the election by the legal voters of the city, or the appointment by the mayor, with the approval of the city council, of a city collector, a city marshal, a city superintendent of streets, a corporation counsel, a city comptroller, or any or either of them, and such other officers as may by said council be deemed necessary or expedient. The city council may, by a like vote, by ordinance or resolution, to take effect at the end of the then fiscal year, discontinue any office so created, and devolve the duties thereof on any other city officer; and no officer filling any such office so discontinued, shall have any claim against the city on account of his salary, after such discontinuance. The city marshal shall perform such duties as shall be prescribed by the city council for the preservation of the public peace, and the observance and enforcement of the ordinances and laws; he shall possess the power and authority of a constable at common law, and under the statutes of this State.

**81. Appointments — Vacancies — Duties — Powers. |**  
§ 3. All officers of any city, except where herein otherwise provided, shall be appointed by the mayor (and vacancies in all offices except the mayor and aldermen shall be filled by like appointment) by and with the advice and consent of the city council. The city council may, by ordinance not inconsistent with the provisions of this act, prescribe the duties and define the powers of all such officers, together with the term of any such office: *Provided*, the term shall not exceed two years.

**82. Oath--Bond.]** § 4. All officers of any city or village, whether elected or appointed, shall, before entering upon

the duties of their respective offices, take and subscribe the following oath or affirmation:

I do solemnly swear (or affirm, as the case may be) that I will support the constitution of the United States, and the constitution of the State of Illinois, and that I will faithfully discharge the duties of the office of . . . . according to the best of my ability.

Which oath or affirmation, so subscribed, shall be filed in the office of the clerk. And all such officers, except aldermen and trustees, shall, before entering upon the duties of their respective offices, execute a bond with security, to be approved by the city council or board of trustees, payable to the city or village, in such penal sum as may, by resolution or ordinance, be directed, conditioned for the faithful performance of the duties of the office and the payment of all moneys received by such officer, according to law and the ordinances of said city or village: *Provided, however*, that in no case shall the mayor's bond be fixed at a less sum than three thousand dollars (\$3,000); nor shall the treasurer's bond be fixed at a less sum than the amount of the estimated tax and special assessments for the current year—which bonds shall be filed with the clerk (except the bond of the clerk, which shall be filed with the treasurer.)

### **83. Commission--Certificate--Delivery to Successors.]**

§ 5. All officers elected or appointed under this act (except the clerk, aldermen and mayor, and trustees) shall be commissioned by warrant, under the corporate seal, signed by the clerk and mayor or presiding officer of the city council or board of trustees. The mayor or president of the board of trustees shall issue a certificate of appointment or election, under the seal of the corporation, to the clerk thereof, and any person having been an officer of the city or village, shall, within five days after notification and request, deliver to his successor in office all property, books and effects of every description in his possession, belonging to the city or village, or appertaining to his said office; and upon his refusal to do so,

shall be liable for all the damages caused thereby, and to such penalty as may by ordinance be prescribed.

**84. Qualification of Officers.] § 6.** No person shall be eligible to any office who is not a qualified elector of the city or village, and who shall not have resided therein at least one year next preceding his election or appointment, nor shall any person be eligible to any office who is a defaulter to the corporation.

**85. Not Interested in Contracts, Etc.] § 7.** No officer shall be directly or indirectly interested in any contract, work or business of the city, or the sale of any article, the expense, price or consideration of which is paid from the treasury, or by any assessment levied by any act or ordinance; nor in the purchase of any real estate or other property belonging to the corporation, or which shall be sold for taxes or assessments, or by virtue of legal process at the suit of said corporation.

**86. Bribery—Penalty.] § 8.** Every person who shall promise, offer or give, or cause, or aid, or abet in causing to be promised, offered or given, or furnish or agree to furnish, in whole or in part, to be promised, offered or given to any member of the city council or board of trustees, or any officer of the corporation, after or before his election or appointment as such officer, any moneys, goods, right in action, or other property or anything of value, or any pecuniary advantage, present or prospective, with intent to influence his vote, opinion, judgment or action on any question, matter, cause or proceeding which may be then pending, or may by law be brought before him in his official capacity, shall, upon conviction, be imprisoned in the penitentiary for a term not exceeding two years, or shall be fined not exceeding \$5,000, or both, in the discretion of the court. Every officer who shall accept any such gift or promise, or undertaking to make the same under any agreement or understanding that his vote, opinion, judg-



ment or action shall be influenced thereby, or shall be given in any question, matter, cause or proceeding then pending, or which may by law, be brought before him in his official capacity, shall, upon conviction, be disqualified from holding any public office, trust or appointment under the city or village, and shall forfeit his office, and shall be punished by imprisonment in the penitentiary not exceeding two years, or by a fine not exceeding \$5,000, or both, in the discretion of the court. Every person offending against either of the provisions of this section, shall be a competent witness against any other person offending in the same transaction, and may be compelled to appear and give evidence before any grand jury or in any court in the same manner as other persons; but the testimony so given shall not be used in any prosecution or proceeding, civil or criminal, against the person so testifying.

**87. Mayor, Etc., Not to Hold Other Office.]** § 9. No mayor, alderman, city clerk or treasurer, shall hold any other office under the city government during his term of office.

**88. Duties of Clerk.]** § 10. The clerk shall keep the corporate seal, to be provided under the direction of the city council or board of trustees, and all papers belonging to the city or village; he shall attend all meetings of the city council or board of trustees, and keep a full record of its proceedings in the journal; and copies of all papers duly filed in his office, and transcripts from the journals and other records and files of his office, certified by him under the corporate seal, shall be evidence in all courts in like manner as if the originals were produced.

**89. Record of Ordinances.]** § 11. The clerk shall record, in a book to be kept for that purpose, all ordinances passed by the city council or board of trustees, and at the foot of the record of each ordinance so recorded shall make a memorandum of the date of the passage and of the publication or posting of such ordinance, which record and memo-



randum, or a certified copy thereof, shall be *prima facie* evidence of the passage and legal publication or posting of such ordinances for all purposes whatsoever.

**90. Conservators of the Peace—Powers of.] § 12.** The trustees in villages, the mayor, aldermen, and the marshal and his deputies, policemen and watchmen in cities, if any such be appointed, shall be conservators of the peace, and all officers created conservators of the peace by this act, or authorized by any ordinance, shall have power to arrest or cause to be arrested, with or without process, all persons who shall break the peace, or be found violating any ordinance of the city or village, or any criminal law of the state, commit for examination and, if necessary, detain such persons in custody over night or Sunday in the watch house or any other safe place, or until they can be brought before the proper magistrate, and shall have and exercise such other powers as conservators of the peace as the city council or board of trustees may prescribe. All warrants for the violation of ordinances, and all criminal warrants to whomsoever directed, may be served and executed within the corporate limits of any such city or village by any policeman of such city or village; such policeman being hereby clothed with all the common law and statutory power of constables for such purposes. [As amended by act approved June 14, 1883. In force July 1, 1883.

AN ACT to define police districts, and the powers and the duties of the police therein. [Approved and in force May 13, 1887.

**91. What Shall Be a Police District.] § 1.** That the territory which is embraced within the limits of adjoining cities, villages and incorporated towns, within any county in this State, shall be a police district.

**92. Police May Go Into Any Part of Such District to Suppress Riot, Etc.—Duty of Mayor.] § 2.** It shall be lawful for the police of any city, village or incorporated town

in such district to go into any part of such district to suppress riot, to preserve the peace and protect the lives, rights and property of citizens, and for such purposes it shall be the duty of the mayor of any city, the president or the president and board of trustees of any village or incorporated town in such district, and the chiefs of police therein, to use the police forces under their control anywhere in such district.

**93. Emergency.]** § 3. Whereas, an emergency exists this act shall be in force from and after its passage.

**94. Compensation of Mayor.]** § 13. The mayor of any city shall receive such compensation as the city council may by ordinance direct, but his compensation shall not be changed during his term of office.

**95. Compensation of Aldermen and Trustees.]** § 14. The aldermen and trustees may receive such compensation for their services as shall be fixed by ordinance: *Provided, however,* such compensation shall not exceed \$3 to each alderman or trustee for each meeting of the city council, or board of trustees, actually attended by him, and no other compensation than for attendance upon such meetings shall be allowed to any alderman or trustee for any services whatsoever. Such compensation shall not be changed, after it has been once established, so as to take effect as to any alderman or trustee voting for such change, during his term of office.

**96. Compensation of Other Officers.]** § 15. All other officers may receive a salary, fees or other compensation to be fixed by ordinance, and after the same has been once fixed, such fees or compensation shall not be increased or diminished, to take effect during the term for which any such officer was elected or appointed; and every such officer shall make and return to the mayor, or president of the board of trustees, a semi-annual report, verified by affidavit, of all such fees and emoluments received by him.

AN ACT to enable the corporate authorities of cities to establish and fix the salaries of city officers. [Approved and in force April 23, 1873.]

**97. When to be Fixed—Not Changed During Term.]**

§ 1. It shall and may be lawful for the common council or legislative authority of any city in this State to establish and fix the amount of salary to be paid any and all city officers, as the case may be, except members of such legislative body, in the annual appropriation bill or ordinance made for the purpose of providing for the annual expenses of any such city, or by some ordinance prior to the passage of such annual appropriation bill or ordinance; and the salaries or compensation thus fixed or established, shall neither be increased nor diminished by the said common council or legislative authority of any such city, after the passage of said annual appropriation bill or ordinance, during the year for which such appropriation is made, and no extra compensation shall ever be allowed to any such officer or employe over and above that provided in manner aforesaid.

**98. Emergency.]** § 2. Whereas the corporate authorities of certain cities in this State have no power to establish or fix the salaries of their city officers in certain cases, whereby an emergency exists requiring this act to take immediate effect; therefore, this act shall take effect and be in force from and after its passage.

**99. Administering Oaths.]** § 16. The mayor of any city, and the clerk of any city or village, shall have power to administer oaths and affirmations upon all lawful occasions.

## ARTICLE VII.

## OF FINANCE.

Section.	Section.
100. Fiscal Year.	112. City Collector—Duties.
101. Annual Appropriation Ordinance.	113. He Shall Report, Etc.—Publication.
102. Limitation—Emergency—Borrowing Money.	114. Not to Detain Money—Penalty.
103. Contracting Liabilities Limited.	115. Examination of Books—Paying Over.
104. Duties of Treasurer.	116. Comptroller—Powers and Duties.
105. Separate Accounts.	117. Council May Define Duties—Transfer of Clerk's Financial Duties.
106. Receipts.	118. Record of Bonds Issued by City.
107. Monthly Statements — Warrants — Vouchers—Register.	119. Further Duties May be Required of Officers.
108. Deposit of Funds—Separate From His.	120. Appeal to Finance Committee.
109. Treasurer's Annual Report—Publication.	121. Who May Appoint Subordinates.
110. Warrants.	122. Foreign Insurance Companies—License, Etc.—Penalty.
111. Special Assessment Funds Kept Separate.	123. When Warrants May be Drawn.
	124. Issued in Anticipation of Taxes.

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**100. Fiscal Year.] § 1.** The fiscal year of each city or village organized under this act shall commence at the date established by law for the annual election of municipal officers therein, or at such other times as may be fixed by ordinance.

**101. Annual Appropriation Ordinance.] § 2.** The city council of cities, and board of trustees in villages, shall, within the first quarter of each fiscal year, pass an ordinance, to be termed the annual appropriation bill, in which such corporate authorities may appropriate such sum or sums of money as may be deemed necessary to defray all necessary expenses and liabilities of such corporation; and in such ordinance shall specify the objects and purposes for which such appropriations are made, and the amount appropriated for each object or purpose. No further appropriations shall be made at any other time within such fiscal year, unless the proposition to make each appropriation has been first sanctioned by a majority of the legal voters of such city or village, either by a petition signed by them, or at a general or special election duly called therefor.

**102. Limitation — Emergency — Borrowing Money.]**

§ 3. Neither the city council nor the board of trustees, nor any department or officer of the corporation, shall add to the corporation expenditures in any one year anything over and above the amount provided for in the annual appropriation bill of that year, except as is herein otherwise specially provided; and no expenditure for an improvement to be paid for out of the general fund of the corporation shall exceed, in any one year, the amount provided for such improvement in the annual appropriation bill: *Provided, however,* that nothing herein contained shall prevent the city council or board of trustees from ordering, by a two-thirds vote, any improvement, the necessity of which is caused by any casualty or accident happening after such annual appropriation is made. The city council or board of trustees may, by a like vote, order the mayor or president of the board of trustees and finance committee to borrow a sufficient amount to provide for the expense necessary to be incurred in making any improvements, the necessity of which has arisen as is last above mentioned, for a space of time not exceeding the close of the next fiscal year—which sum, and the interest, shall be added to the amount authorized to be raised in the next general tax levy, and embraced therein. Should any judgment be obtained against the corporation, the mayor, or president of the board of trustees and finance committee, under the sanction of the city council or board of trustees, may borrow a sufficient amount to pay the same, for a space of time not exceeding the close of the next fiscal year—which sum and interest shall, in like manner, be added to the amount authorized to be raised in the general tax levy of the next year, and embraced therein.

**103. Contracting Liabilities Limited.]** § 4. No contract shall be hereafter made by the city council or board of trustees, or any committee or member thereof; and no expense shall be incurred by any of the officers or departments of the



corporation, whether the object of the expenditure shall have been ordered by the city council or board of trustees or not, unless an appropriation shall have been previously made concerning such expense, except as herein otherwise expressly provided.

**104. Duties of Treasurer.] § 5.** The treasurer shall receive all moneys belonging to the corporation, and shall keep his books and accounts in such manner as may be prescribed by ordinance, and such books and accounts shall always be subject to the inspection of any member of the city council or board of trustees.

**105. Separate Accounts.] § 6.** He shall keep a separate account of each fund or appropriation, and the debts and credits belonging thereto.

**106. Receipts.] § 7.** He shall give every person paying money into the treasury a receipt therefor, specifying the date of payment, and upon what account paid; and he shall also file copies of such receipts with the clerk, at the date of his monthly reports.

**107. Monthly Statements -- Warrants -- Vouchers-- Register.] § 8.** The treasurer shall, at the end of each and every month, and oftener if required, render an account to the city council or board of trustees, or such officer as may be designated by ordinance (under oath,) showing the state of the treasury at the date of such account, and the balance of money in the treasury. He shall also accompany such accounts with a statement of all moneys received into the treasury, and on what account, together with all warrants redeemed and paid by him; which said warrants, with any and all vouchers held by him, shall be delivered to the clerk, and filed with his said account in the clerk's office, upon every day of such settlement. He shall return all warrants paid by him stamped or marked "paid." He shall keep a register of all warrants redeemed and paid, which shall describe such warrants, and



show the date, amount, number, the fund from which paid, the name of the person to whom and when paid.

**108. Deposit of Funds—Separate From His.] § 9.** The treasurer may be required to keep all moneys in his hands, belonging to the corporation, in such place or places of deposit as may be designated by ordinance: *Provided, however,* no such ordinance shall be passed by which the custody of such money shall be taken from the treasurer and deposited elsewhere than in some regularly organized bank, nor without a bond to be taken from such bank, in such penal sum and with such security as the city council or board of trustees shall direct and approve, sufficient to save the corporation from any loss; but such penal sum shall not be less than the estimated receipts for the current year from taxes and special assessments levied, or to be levied, by the corporation. The treasurer shall keep all moneys belonging to the corporation in his hands separate and distinct from his own moneys, and he is hereby expressly prohibited from using, either directly or indirectly, the corporation money or warrants in his custody and keeping, for his own use and benefit, or that of any other person or persons whomsoever; and any violation of this provision shall subject him to immediate removal from office by the city council or board of trustees, who are hereby authorized to declare said office vacant; and in which case his successor shall be appointed, who shall hold his office for the remainder of the term unexpired of such officer so removed.

**109. Treasurer's Annual Report—Publication.] § 10.** The treasurer shall report to the city council or board of trustees, as often as required, a full and detailed account of all receipts and expenditures of the corporation, as shown by his books, up to the time of said report; and he shall, annually, between the first and tenth of April, make out and file with the clerk a full and detailed account of all such receipts and expenditures, and of all his transactions, as such treasurer, dur-

ing the preceding fiscal year, and shall show in such account the state of the treasury at the close of the fiscal year; which account the clerk shall immediately cause to be published in a newspaper printed in such city, if there be one, and if not, then by posting the same in a public place in the clerk's office.

**110. Warrants.] § 11.** All warrants drawn upon the treasurer must be signed by the mayor and countersigned by the clerk, stating the particular fund or appropriation to which the same is chargeable, and the person to whom payable; and no money shall be otherwise paid than upon such warrants so drawn, except as herinafter provided.

**111. Special Assessment Funds Kept Separate.] § 12.** All moneys received on any special assessment shall be held by the treasurer as a special fund, to be applied to the payment of the improvement for which the assessment was made, and said money shall be used for no other purpose whatever, unless to reimburse such corporation for money expended for such improvement.

#### CITY COLLECTOR.

**112. His Duties.] § 13.** It shall be the duty of the collector, when one is appointed, to preserve all warrants which are returned into his hands, and he shall keep such books and his accounts in such manner as the city council may prescribe. Such warrants, books, and all papers pertaining to his office, shall at all times be open to the inspection of and subject to the examination of the mayor, city clerk, any member of the council, or committee thereof. He shall weekly, and oftener if required by the council, pay over to the treasurer all moneys collected by him from any source whatever, taking such treasurer's receipt therefor, which receipt he shall immediately file with the city clerk; but the city clerk shall, at the time, or on demand, give such tax collector a copy of any such receipt so filed.

**113. He Shall Report, Etc.—Publication.]** § 14. He shall make a report, in writing, to the council, or any officer designated by the council, of all moneys collected by him, the account whereon collected, or of any other matter in connection with his office, when required by the council or by any ordinance of the city. He shall also, annually, between the first and tenth of April, file with the clerk a statement of all the moneys collected by him during the year, the particular warrant, special assessment or account on which collected, the balance of moneys uncollected on all warrants in his hands, and the balance remaining uncollected at the time of the return on all warrants which he shall have returned, during the preceding fiscal year, to the city clerk. The city clerk shall publish or post the same, as hereinbefore required to be done in regard to the annual report of the treasurer.

**114. Not to Detain Money—Penalty.]** § 15. The collector is hereby expressly prohibited from keeping the moneys of the city in his hands, or in the hands of any person or corporation, to his use, beyond the time which may be prescribed for the payment of the same to the treasurer, and any violation of this provision will subject him to immediate removal from office.

**115. Examination of His Books—Paying Over.]** § 16. All the city collector's papers, books, warrants and vouchers may be examined at any time by the mayor or clerk, or any member of the city council; and the collector shall every two weeks, or oftener if the city council so direct, pay over all money collected by him from any person or persons, or associations, to the treasurer, taking his receipt therefor in duplicate, one of which receipt he shall at once file in the office of the clerk.

#### CITY COMPTROLLER.

**116. His Powers and Duties.]** § 17. The city comptroller (if there shall be any city comptroller appointed, if not,

then the clerk) shall exercise a general supervision over all the officers of the corporation charged in any manner with the receipt, collection or disbursement of corporation revenues, and the collection and return of all such revenues into the treasury. He shall have the charge, custody and control of all deeds, leases, warrants, vouchers, books and papers of any kind, the custody and control of which is not herein given to any other officers; and he shall, on or before the fifteenth day of May, in each year, and before the annual appropriations to be made by the city council or board of trustees, submit to the city council or board of trustees a report of his estimates, as nearly as may be, of moneys necessary to defray the expenses of the corporation during the current fiscal year. He shall, in said report, class the different objects and branches of expenditures, giving, as nearly as may be, the amount required for each; and for the purpose of making such report, he is authorized to require of all officers their statement of the condition and expenses of their respective offices or departments, with any proposed improvements and the probable expense thereof, all contracts made and unfinished, and the amount of any and all unexpended appropriations of the preceding year. He shall, in such report, show the aggregate income of the preceding fiscal year, from all sources, the amount of liabilities outstanding upon which interest is to be paid, the bonds and debts payable during the year, when due and when payable; and in such report he shall give such other information to the council or board of trustees as he may deem necessary, to the end that the city council or board of trustees may fully understand the money exigencies and demands upon the corporation for the current year.

**117. Council May Define the Duties—Transfer of Clerk's Financial Duties.]** § 18. When there shall be appointed in any city a comptroller, the city council may, by ordinance or resolution, confer upon him such powers, and provide for the performance of such duties by him, as the city

council shall deem necessary and proper; and all the provisions of this act relating to the duties of city clerk, or the powers of city clerk in connection with the finances, the treasurer and collector, or the receipt and disbursements of the moneys of such city, shall be exercised and performed by such comptroller, if one there shall be appointed; and to that end and purpose, wherever in this act heretofore the word "clerk" is used, it shall be held to mean "comptroller;" and wherever the "clerk's office" is referred to, it shall be held to mean "comptroller's office."

**118. Record of Bonds Issued by City.]** § 19. The comptroller, when there shall be a comptroller, if not, then the clerk, shall keep in his office, in a book or books kept expressly for that purpose, a correct list of all the outstanding bonds of the city, showing the number and amount of each, for and to whom the said bonds are issued; and when any city bonds are purchased, or paid, or canceled, said book or books shall show the fact; and in his annual report he shall describe, particularly, the bonds sold during the year, and the terms of sale, with each and every item of expense thereof.

#### GENERAL PROVISIONS.

**119. Further Duties May be Required.]** § 20. The collector and treasurer, and all other officers connected with the receipt and expenditure of money, shall perform such other duties, and be subject to such other rules and regulations as the city council or board of trustees may, from time to time, by ordinance, provide and establish.

**120. Appeal to Finance Committee.]** § 21. In the adjustment of the accounts of the collector or treasurer with the clerk (or comptroller if there shall be one), there shall be an appeal to the finance committee of the council or board of trustees, whose decision in all matters of controversy arising between said officers shall be binding, unless the city council or board of trustees shall otherwise direct and provide.



**121. Who May Appoint Subordinates.]** § 22. The comptroller (if there shall be one), the clerk, treasurer and collector, shall, severally, appoint such various clerks and subordinates in their respective offices as the city council or board of trustees may authorize, and shall be held, severally, responsible for the fidelity of all persons so appointed by them.

**122. Foreign Insurance Companies—License, Etc.—Penalties.]** § 23. All corporations, companies or associations not incorporated under the laws of this State, engaged in any city in effecting fire insurance, shall pay to the treasurer the sum of \$2 upon the \$100 of the net receipts by their agency in such city, and at that rate upon the amount of all premiums which, during the half year ending on every first day of July and January, shall have been received for any insurance effected or agreed to be effected in the city or village, by or with such corporations, companies or associations, respectively. Every person who shall act in any city or village as agent, or otherwise, for or on behalf of any such corporation, company or association, shall, on or before the fifteenth day of July and January, in each year, render to the comptroller (if any there be, if not, to the clerk,) a full, true and just account, verified by his oath, of all premiums which, during the half year ending on every first day of July and January preceding such report, shall have been received by him, or any other person for him, in behalf of any such corporation, company or association, and shall specify in said account the amounts received for fire insurance. Such agents shall also pay over to the treasurer, at the time of rendering the aforesaid account, the amount of rates for which the company or companies represented by them are severally chargeable by virtue hereof. If such account be not rendered on or before the day hereinbefore designated for that purpose, or if the said rates shall remain unpaid after that day, it shall be unlawful for any corporation, company or association so in default to transact any business of insurance in any such city or vil-



lage, until the said requisitions shall have been fully complied with; but this provision shall not relieve any company from the payment of any risk that may be taken in violation hereof. Any person or persons violating any of the provisions of this section shall be subject to indictment, and upon conviction thereof, in any court of competent jurisdiction, shall be fined in any sum not exceeding \$1,000, or imprisoned not exceeding six months, or both, in the discretion of the court. Said rates may also be recovered of such corporation, company or association, or its agent, by action in the name and for the use of any such city or village, as for money had and received for its use: *Provided*, that this section shall only apply to such cities and villages as have an organized fire department, or maintain some organization for the prevention of fires.

AN ACT to provide for the manner of issuing warrants upon the treasurer of any county, township, city, school district or other municipal corporation and jurors' certificates. [Approved May 31, 1879. In force July 1, 1879.]

**123. When Warrants May be Drawn.]** § 1. That warrants, payable on demand, shall hereafter be drawn and issued upon the Treasurer of this State or of any county, township, city, school district or other municipal corporation, or against any fund in his hands, only when at the time of the drawing and issuing of such warrants, there shall be sufficient money in the appropriate fund in the treasury to pay said warrants.

**124. Issued in Anticipation of Taxes.]** § 2. That whenever there is no money in the treasury of the county, township, city, school district, or other municipal corporation to meet and defray the ordinary and necessary expenses thereof, it shall be lawful for the proper authorities of any county, township, city, school district or other municipal corporation, to provide that warrants may be drawn and issued, against and in anticipation of the collection of any taxes, already levied by said authorities for the payment of the ordi-

nary and necessary expenses of any such municipal corporation, to the extent of seventy-five per centum of the total amount of any said tax levy: *Provided*, that warrants drawn and issued under the provisions of this section, shall show upon their face that they are payable solely from said taxes when collected, and not otherwise, and shall be received by any collector of taxes in payment of the taxes against which they are issued, and which taxes, against which said warrants are drawn, shall be set apart and held for their payment.

## ARTICLE VIII.

### ASSESSMENT AND COLLECTION OF TAXES.

Section.	Section.
125. Ordinance Levying Tax—Limitation.	134. Certificate of Rates.
126. Manner of Collecting.	135. How to Pay Over Taxes Collected.
127. Time of Paying Over.	136. Thirty-day Settlements with Cities.
128. When Tax Levied for Particular Purpose.	137. Final Settlement for Local Taxes Before Return.
129. Uniformity.	138. Duplicate Receipts.
130. How Assessed and Collected.	139. To Pay Cities, etc., Every Ten Days.
131. Rate of Taxation.	140. Rebate When Property Destroyed.
132. Proportion of Tax.	141. City May Refund Illegal Taxes—Limitation.
133. Drawback—Amount City, etc., May Receive.	

#### 125. Ordinance Levying Tax — Limitation.] § 1.

The city council in cities, and boards of trustees in villages, may levy and collect taxes for corporate purposes in the manner following: The city council or boards of trustees, as the case may be, shall annually, on or before the third (3d) Tuesday in September, in each year, ascertain the total amount of appropriations for all corporate purposes legally made and to be collected from the tax levy of that fiscal year; and, by an ordinance, specifying in detail the purposes for which such appropriations are made, and the sum or amount appropriated for each purpose, respectively, levy the amount so ascertained upon all the property subject to taxation within the city or village, as the same is assessed and equalized for State and

county purposes for the current year. A certified copy of such ordinance shall be filed with the county clerk of the proper county, whose duty it shall be to ascertain the rate per cent. which, upon the total valuation of all property subject to taxation within the city or village, as the same is assessed and equalized for State and county purposes, will produce a net amount not less than the amount so directed to be levied; and it shall be the duty of the county clerk to extend such tax in a separate column upon the book or books of the collector or collectors of State and county taxes, within such city or village: *Provided*, the aggregate amount of taxes levied for any one (1) year, exclusive of the amount levied for the payment of bonded indebtedness or the interest thereon, shall not exceed the rate of two (2) per centum, upon the aggregate valuation of all the property within such city or village, subject to taxation therein, as the same was equalized for State and county taxes of the preceding year. [As amended by act approved May 28, 1879.

**126. Manner of Collecting.]** § 2. The tax so assessed shall be collected and enforced in the same manner and by the same officers as State and county taxes, and shall be paid over by the officers collecting the same to the treasurer of the city or village.

**127. Time of Paying Over.]** § 3. It shall be the duty of the officer collecting such tax to settle with and pay over to such treasurer, as often as once in two weeks from the time he shall commence the collection thereof, all such taxes as he shall then have collected, till the whole tax collected shall be paid over.

**128. When Tax Levied for Particular Purpose.]** § 4. Whenever any city or village is required to levy a tax for the payment of any particular debt, appropriation or liability of the same, the tax for such purpose shall be included in the total amount assessed by the city council or board of trustees,

and certified to the county clerk as aforesaid; but the city council or board of trustees shall determine, in the ordinance making such assessment, what proportion of such total amount shall be applicable to the payment of such particular debt, appropriation or liability; and the city or village treasurer shall set apart such proportion of the tax collected and paid to him for the payment of such particular debt, appropriation or liability, and shall not disburse the same for any other purpose until such debt, appropriation or liability shall have been discharged.

**129. Uniformity.] § 5.** All taxes levied or assessed by any city or village, except special assessments for local improvements, shall be uniform upon all taxable property and persons within the limits of the city, and no property shall be exempt therefrom other than such property as may be exempt from taxation under the Constitution and general laws of the State.

AN ACT in regard to the assessment and collection of municipal taxes.  
[Approved May 23, 1877. In force July 1, 1877.]

**130. How May Be Assessed and Collected.] § 1.** That all cities, villages, and incorporated towns, in this State whether organized under the general law or special charters, shall assess and collect their taxes in the manner provided for in article eight (8) of the act entitled, "An act to provide for the incorporation of cities and villages," approved April 10, 1872, and in the manner provided for in the general revenue laws of this State; and all acts, or parts of acts, inconsistent with the provisions of this act, are hereby repealed.

AN ACT in relation to the rate of taxation in cities, villages and incorporated towns. [Approved and in force May 30, 1881.]

**131. Rate of Taxation.] § 1.** That all cities, villages and incorporated towns in this State not now having, by their respective charters, the power to levy and collect as high a rate of taxation as is herein authorized and provided for, shall

hereafter have power to assess, levy and collect annually upon the taxable property within their respective limits, for all corporate purposes, in addition to all taxes which any such city, town or village may now or hereafter be authorized by law to levy and collect to support and maintain schools, erect school buildings and for all other school purposes, and to pay interest on its registered bonded indebtedness, such an amount as their respective corporate authorities may prescribe, not exceeding in any year the rate of one per cent. of the assessed valuation of such taxable property as equalized by the State Board of Equalization for the preceding year. And the said rate authorized by this act shall be in lieu of all rates and items of taxation now provided and authorized in such charters, for all purposes other than for schools, the erection of school buildings, and all other school purposes, and for paying interest on the registered bonded indebtedness of such city, town or village.

AN ACT to prohibit any city, town or village in this state from receiving from the county treasury a greater proportion of the surplus fund or tax, than shall be received by any other city, town or village within the same county. [Approved May 4, 1877, and in force July 1, 1877.

**132. Proportion of Tax.] § 1.** That no city, town or village within any county in this State, shall be entitled to or shall receive from the county treasury of such county any greater proportion of surplus of all taxes which may be collected for county purposes, than any other city, town or village within the county.

**133. Drawback—Amount City, Etc., May Receive.] § 2.** Nor shall any such city, town or village be entitled to, or receive from the county treasury, any greater drawback of its proportion of the taxes paid into the county treasury by reason of any appropriation by the county board, out of the county treasury, for the making and repairing of roads and highways, the building and repairing of bridges in such coun-



ty, without any such city, town or village within such county, than is now allowed by law to all other cities, towns and villages within the same county. Any acts, or parts of acts, conflicting with this act, are hereby repealed.

AN ACT for the assessment of property and for the levy and collection of taxes. [Approved March 30, 1872. In force July 1, 1872.

**134. Certificate of Rates.] § 122.** The proper authorities of towns, townships, districts, and incorporated cities, towns and villages, collecting taxes under the provisions of this act, shall annually, on or before the second Tuesday in August, certify to the county clerk the several amounts which they severally require to be raised by taxation, anything in their respective charters, or in acts heretofore passed by the General Assembly of this State, to the contrary notwithstanding. [As amended by act approved May 3, 1873.

**135. How to Pay Over Taxes Collected.] § 138.** The warrant shall direct the town or district collector, after deducting the compensation to which he may be legally entitled, to pay over to the proper officers the amount of tax collected for the support of highways and bridges, and to the supervisor of the town the moneys which shall have been collected therein, to defray town expenses; to the proper school officers, the district school tax; to the city or incorporated town or village treasurer, or other proper officer, the taxes or special assessments collected by him for such city or incorporated town or village, or others, as often and at such times as may be demanded by the proper officer; and to the county collector, the county tax and the taxes payable to the state treasury collected by him.

**136. Thirty Day Settlements With Cities, Etc.] § 164.** Town and district collectors shall, every thirty days, when required to do so by the proper authorities of incorporated towns, cities and villages, road and school districts, for which any tax is collected, render to said authorities a statement of



the amount of each kind of tax collected for the same, and at the same time pay over to such authorities the amount so shown to be collected. [As amended by act approved May 3, 1873.

**137. Final Settlement For Local Taxes Before Return.]** § 167. Each town and district collector shall make final settlement for the township, district, city, village and town taxes, charged in the tax books, at or before the time fixed in this act for paying over and making final settlement for State and county taxes collected by them. In such settlements, said collectors shall be entitled to credit for the amount of their commissions on the amount collected, and for the amount uncollected on the tax books, as may be determined by the settlement with the county collector.

**138. Duplicate Receipts.]** § 168. The officer to whom any such moneys may be paid, under the preceding sections, shall deliver to the collector duplicate receipts therefor.

**139. To Pay Cities, Etc., Every Ten Days.]** § 244. The county collector shall report and pay over the amount of tax and special assessments, due to towns, districts, cities, villages, corporations and persons, collected by him on delinquent property, at least once in every ten days, when demanded by the proper authorities or persons.

AN ACT to prevent the unjust collection, by incorporated cities and towns, of taxes levied upon property destroyed by fire, and to authorize the common council of such cities, or board of trustees of such towns, to change or amend appropriation bills, to pass new appropriation bills, to reduce taxes and special assessments in certain cases, and to discontinue special improvements. [Approved and in force Jan. 18, 1872.

**140. Rebate When Property Destroyed.]** § 1. That whenever, in any incorporated city or town in this State, any property listed or assessed for municipal taxation, shall have been or shall hereafter be destroyed by fire, in whole or in part, before the levy of the municipal taxes of such city thereon, or

before the municipal taxes levied thereon shall have been collected, it shall and may be lawful for the mayor of such city or town—if there be no mayor, then the president of the board of trustees, the city comptroller, if there should be one; and if not, then the city clerk or town clerk, and the tax commissioner, if there should be one; if not, then the chairman of the finance committee of the city council, or board of trustees—to rebate or remit so much of such tax or taxes, so levied upon such property, as in their opinion should be rebated or remitted by reason of such property having been, in whole or in part, destroyed by fire.

AN ACT to refund illegal taxes. [Approved June 25, 1885. In force July 1, 1885.]

**141. City May Refund Illegal Taxes — Limitation.]**

§ 1. That whenever, in any of the cities of this State, any taxes for city purposes have been collected and paid into the city treasury without authority of law, and the city council of such cities have caused certificates to be issued to the persons or corporations who have paid such illegal taxes, certifying that such taxes were illegally assessed and collected, the city council of such cities are hereby authorized to make an appropriation as soon as possible after this act shall take effect, for the purpose of refunding such illegal taxes, with six per cent. interest per annum from the date of such certificates, and warrants shall be drawn for the payment of such sums and interest, out of the fund so appropriated, to the persons or corporations who obtained such certificates, or their assignees or legal representatives in the usual manner prescribed by the charter of said cities, or by the general law: *Provided*, such certificates are presented to the comptroller of such cities for exchange for warrants within two years after this act shall go into effect. And the treasurers of any such cities shall pay said warrants out of said appropriations.

## ARTICLE IX.

## SPECIAL ASSESSMENT AND SPECIAL TAXATION.

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- 211. Apportionment of Special Assessment Payable in Installments.

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**142. Powers Conferred.] § 1.** That the corporate authorities of cities and villages are hereby vested with power to make local improvements by special assessment or by spec-

cial taxation, or both, of contiguous property, or general taxation, or otherwise, as they shall by ordinance prescribe.

**143. Ordinance For Improvement.]** § 2. When any such city or village shall, by ordinance, provide for the making of any local improvement, it shall, by the same ordinance, prescribe whether the same shall be made by special assessment or by special taxation of contiguous property, or general taxation, or both.

**144. When Property is Taken, Etc.]** § 3. Should said ordinance provide for improvements which require the taking or damaging of property; the proceeding for making just compensation therefor shall be as follows:

**145. Petition.]** § 4. Whenever any such ordinance shall be passed by the legislative authority of any such city or village, for the making of any improvement mentioned in the first section of this act, or any other local improvement that such city or village is authorized to make, the making of which will require that private property be taken or damaged for public use, such city or village shall file a petition in some court of record of the county in which such city is situated, in the name of the city, praying that "the just compensation to be made for private property to be taken or damaged for the improvement or purpose specified in such ordinance shall be ascertained by a jury."

**146. Form of Petition.]** § 5. Such petition shall contain a copy of the said ordinance, certified by the clerk, under the corporate seal; a reasonably accurate description of the lots, parcels of land and property which will be taken or damaged, and the names of the owners and occupants thereof, so far as known to the board or officer filing the petition, and where any known owners are non-residents of the State, stating the fact of such non-residence.

**147. Summons—Publication—Notice.]** § 6. Upon

the filing of the petition aforesaid, a summons, which may be made returnable upon any day in term time, shall be issued and served upon the persons made parties defendant, as in cases in chancery. And in case any of them are unknown, or reside out of this State, the clerk of the court, upon an affidavit being filed showing such fact, shall cause publication to be made in some newspaper printed in his county, or, if there be no newspaper published in his county, then in some newspaper published in this State containing notice of the pendency of such proceeding, the parties thereto, the title of the court, and the time and place of the return of the summons in the case, and the nature of said proceeding; such publication to be made for four weeks consecutively, at least once in each week, the first of which shall be at least thirty days before the return day of such summons. Notices so given by publication shall be sufficient to authorize the court to hear and determine the suit, as though all parties had been sued by their proper names and had been personally served. [As amended by act approved and in force March 30, 1874.

**148. Hearing—Jury.] § 7.** Upon the return of said summons, or as soon thereafter as the business of the court will permit, the said court shall proceed to the hearing of such petition, and shall impanel a jury to ascertain the just compensation to be paid to all of such owners and occupants aforesaid; but if any defendant or party in interest shall demand, or the court shall deem it proper, separate juries may be impaneled as to the compensation or damages to be paid to any one or more of such defendants or parties in interest. [As amended by act approved and in force March 30, 1874.

**149. Jury to Ascertain Compensation—Admitting Other Parties.] § 8.** Such jury shall also ascertain the just compensation to be paid to any person claiming an interest in any lot, parcel of land or property which may be taken or damaged by such improvement, whether or not such per-



son's name, or such lot, parcel of land, or other property, is mentioned or described in such petition: *Provided*, such person shall first be admitted as a party defendant to said suit by such court, and shall file a statement of his interest in and description of the lot, parcel of land, or other property in respect to which he claims compensation.

**150. Viewing Premises—Ownership, Etc.]** § 9. The court may, upon the motion of such city or village, or of any person claiming any such compensation, direct that said jury (under the charge of an officer of the court) shall view the premises which it is claimed by any party to said proceeding will be taken or damaged by said improvement, and in any case, where there is no satisfactory evidence given to the jury as to the ownership of, or as to the extent of the interest of any defendant in the property to be taken or damaged, the jury may return their verdict as to the compensation or damage to be paid for the property or part of property to be taken or damaged, and for the entire interests therein. [As amended by act approved and in force March 30, 1874.

**151. Judgment—New Parties—Further Proceedings.]** § 10. Upon the return of such verdict, the court shall order the same to be recorded, and shall enter such judgment or decree thereon as the nature of the case may require. The court shall continue or adjourn the cause, from time to time, as to all occupants and owners named in such petition who shall not have been served with process, or brought in by publication, and shall order a new summons to issue and new publication to be made; and upon such occupants or owners being brought into court, shall impanel a jury to ascertain the compensation so to be paid such defendant or defendants, for private property taken or damaged; and like proceeding shall be had for such purpose as hereinbefore provided for the ascertaining of compensation to other owners.

**152. Powers of Court.]** § 11. The court shall have



power, at any time, upon proof that any such owner or owners named in such petition, who has not been served with process, has ceased to be such owner or owners since the filing of such petition, to impanel a jury and ascertain the just compensation to be made for the property (or the damage thereto) which had been owned by the person or persons so ceasing to own the same; and the court may, upon any finding or findings of any jury or juries, or at any time during the course of such proceedings, enter such order, rule, judgment or decree as the nature of the case may require.

**153. Ownership—Further Powers of Court.] § 12.** No delay in making an assessment of compensation shall be occasioned by any doubt or contest which may arise as to the ownership of the property, or any part thereof, or as to the interests of the respective owners or claimants, but in such case the court may impanel a jury and ascertain the entire compensation or damage that should be paid for the property, or part of property, and the entire interests of all parties therein, and may require adverse claimants to interplead so as to fully determine their rights and interests in the compensation so ascertained. And the court may make such order as may be necessary in regard to the deposit or payment of such compensation.

**154. Persons Under Disability.] § 13.** When it shall appear, from said petition or otherwise, at any time during the proceedings upon such petition, that any infant, or insane or distracted person, is interested in any property that is to be taken or damaged, the court shall appoint a guardian, *ad litem* for such infant or insane or distracted person, to appear and defend for him, her or them; and the court shall make such order or decree as it shall deem proper to protect and secure the interest of such infant, or insane or distracted person, in such property, or the compensation which shall be awarded therefor.

**155. Judgment—Effect—Appeal, Etc.] § 14.** Any final judgment or judgments, rendered by said court, upon any finding or findings of any jury or juries, shall be a lawful and sufficient condemnation of the land or property to be taken upon the payment of the amount of such finding as hereinafter provided. It shall be final and conclusive as to the damages caused by such improvement, unless such judgment or judgments shall be appealed from; but no appeal or writ of error upon the same shall delay proceedings under said ordinance, if such city or village shall deposit, as directed by the court, the amount of the judgment and costs, and shall file a bond in the court in which such judgment was rendered, in a sum to be fixed and with security to be approved by the judge of said court, which shall secure the payment of any future compensation which may at any time be finally awarded to such party so appealing or suing out such writ of error, and his or her costs.

**156. Order for Possession.] § 15.** The court, upon proof that said just compensation so found by the jury has been paid to the person entitled thereto, or has been deposited as directed by the court (and bond given, in case of any appeal or writ of error), shall enter an order that the city or village shall have the right, at any time thereafter, to take possession of or damage the property, in respect to which such compensation shall have been so paid or deposited, as aforesaid.

**157. When Improvement Made by General Tax.] § 16.** When the ordinance under which said improvement is ordered to be made shall provide that such improvement shall be made by general taxation, the cost of such improvement shall be added to the general appropriation bill of such city or village, and shall be levied and collected with and as a part of the general taxes of such city or village.

**158. Special Taxation.] § 17.** When said ordinance under which said local improvement shall be ordered shall

provide that such improvement shall be made by special taxation of contiguous property, the same shall be levied, assessed and collected in the way provided in the sections of this act providing for the mode of making, levying, assessing and collecting special assessments.

**159. How Made.]** § 18. When the ordinance under which said local improvement is ordered to be made shall provide that such improvement shall be wholly or in part made by special assessment, the proceedings for the making such special assessment shall be in accordance with the sections of this act [article] from 18 to 51, inclusive.

**160. Ordinance—For Sidewalks—Owner's Rights.]** § 19. Whenever such local improvements are to be made wholly or in part by special assessment, the said council in cities, or board of trustees in villages, shall pass an ordinance to that effect, specifying therein the nature, character, locality and description of such improvement: *Provided*, that where the owners of a majority of the property in any block abutting on any street, alley, park or public place shall petition the common council in cities, or board of trustees in villages, for any local improvements, it shall be the duty of said council or board of trustees to pass an ordinance for said improvement: *Provided*, that whenever any such ordinance shall provide only for the building or renewing of any sidewalk, the owner of any lot or piece of land fronting on such sidewalk shall be allowed fifteen days after the time at which such ordinance shall take effect, in which to build or renew such sidewalk opposite his land, and thereby relieve the same from assessment: *Provided*, that the work so to be done, shall in all respects conform to the requirements of such ordinance. [As amended by act approved June 1, 1889. In force July 1, 1889.]

**161 Estimate of Cost]** § 20. The city council or board of trustees shall appoint three of its members, or any

other three competent persons, who shall make an estimate of the cost of the improvement contemplated by such ordinance, including the labor, materials, and all other expenses attending the same, and the cost of making and levying the assessment, and shall report the same in writing to said council or board of trustees.

**162. Order for Proceeding in Court.] § 21.** On such report being made, and approved by the council or board of trustees, as the case may be, it may order a petition to be filed by such officer as it shall direct, in the county court of its county, for proceeding to assess the cost of such improvement in the manner provided in this act.

**163. Petition to Court.] § 22.** The petition shall be in the name of the corporation, and shall recite the ordinance for the proposed improvement and the report of such commission, and shall pray that the cost of such improvement may be assessed in the manner prescribed by law.

**164. Appointment of Commissioners—Oath.] § 23.** Upon the filing of such petition the court shall appoint three competent persons as commissioners, who shall take and subscribe an oath, in substance as follows, to-wit:

STATE OF ILLINOIS, }  
 . . . . . County. } ss.

We, the undersigned, commissioners, appointed by the county court of . . . . . county, to assess the cost of . . . . . (here state in general terms the improvement), do solemnly swear (or affirm as the case may be,) that we will a true and impartial assessment make of the cost of said improvement upon the city (or village) of . . . . . and the property benefited by such improvement, to the best of our ability, and according to law.

**165. Duty of Commissioners.] § 24.** It shall be the duty of such commissioners to examine the locality where the improvement is proposed to be made, and the lots, blocks, tracts and parcels of land that will be specially benefited thereby, and to estimate what proportion of the total cost of such improvement will be of benefit to the public, and what proportion thereof will be of benefit to the property to be benefited, and apportion the same between the city or village and such property, so that each shall bear its relative equitable propor-

tion; and having found said amounts, to apportion and assess the amount so found to be of benefit to the property upon the several lots, blocks, tracts and parcels of land in the proportion in which they will be severally benefited by such improvement: *Provided*, that no lot, block, tract or parcel of land shall be assessed a greater amount than it will be actually benefited: *And, provided, further*, that it shall not be necessary for said commissioners to examine the locality except where the ordinance provides for the opening, widening or improvement of streets and alleys. [As amended by act approved and in force March 30, 1874.

[§ 25, repealed by act approved April 25, 1873.

**166. Assessment Roll—Return.**[ § 26. They shall also make or cause to be made an assessment roll, in which shall appear the names of the owners, so far as known, a description of each lot, block, tract or parcel of land, and the amount assessed as special benefits thereto, and in which they shall set down as against the city or village the amount they shall have found as public benefit, and certify such assessment roll to the court by which they were appointed, at least ten days before the first day of the term at which a final hearing thereon shall be had. [As amended by act approved and in force March 30, 1874.

**167. Notice by Mail—Posting and Publication.] § 27.** It shall also be the duty of such commissioners to give notice of such assessment, and of the term of court at which a final hearing thereon will be had, in the following manner:

*First*—They shall send by mail to each owner of premises assessed, whose name and place of residence is known to them, a notice, substantially in the following form:

Mr. . . . . . Your (here give a short description of the premises) is assessed  
\$ . . . . . for public improvement. The assessment roll will be returned to the  
term of the . . . . . court of . . . . . county.  
(Here give date.) . . . . . Commissioners.

*Second*—They shall cause at least ten days' notice to be given, by posting notices in at least four public places in such



city or village, two of which shall be in the neighborhood of such proposed improvement; and when a daily newspaper is published in such city or village, by publishing the same at least five successive days in such daily newspaper, or if no daily newspaper is published in such city or village, and a weekly newspaper is published therein, then at least once in each week, for two successive weeks, in such weekly newspaper, or if no daily or weekly newspaper is published in such city or village, then at least once in each week for two successive weeks in a newspaper published in the county in which such city or village is situated. The notice may be substantially as follows:

#### SPECIAL ASSESSMENT NOTICE.

Notice is hereby given to all persons interested, that the city council, (or board of trustees, as the case may be), of . . . . . having ordered that (here insert a brief description of the nature of the improvement), the ordinance for the same being on file in the office of the . . . . . clerk, have applied to the . . . . . court of . . . . . county for an assessment of the cost of such improvements, according to benefits; and an assessment thereof having been made and returned to said court, the final hearing thereon will be had at the . . . . . term of said court, commencing on the . . . . . day of . . . . . A. D. 18 . . . . . All persons desiring, may then and there appear and make their defense.

(Here give date)

Commissioners.

[ As amended by act approved June 26, 1885. In force July 1, 1885.

**168. Proof of Notice.] § 28.** On or before the final hearing, the affidavit of one or more of the commissioners shall be filed in said court, stating that they have sent or caused to be sent by mail, to the owners whose premises have been assessed, and whose name and place of residence are known to them, the notice hereinbefore required to be sent by mail to owners of premises assessed. They shall also cause to be filed the affidavit of the person who shall have posted the notices required by this act to be posted, setting forth when and in what manner the same were posted. Such affidavits shall be received as *prima facie* evidence of a compliance with this act in regard to giving such notices. They shall also file a certificate of publication of said notice in like



manner as is required in other cases of publication of notices. [As amended by act approved April 25, 1873. In force July 1, 1873.

**169. Continuance When Notice Not in Time.] § 29.** If ten days shall not have elapsed between the first publication or the putting up of such notices and the first day of the next term of such court, the hearing shall be continued until the next term of court.

**170. Objections—Judgment by Default.] § 30.** Any person interested in any real estate to be affected by such assessment, may appear and file objections to such report, and the court may make such order in regard to the time of filing such objections as may be made in cases at law in regard to the time of filing pleas. As to all lots, blocks, tracts and parcels of land to the assessment of which objections are not filed within the time ordered by the court, default may be entered, and the assessment confirmed by the court.

**171. Hearing—Jury.] § 31.** On the hearing, the report of the commissioners shall be competent evidence, and either party may introduce such other evidence as may tend to establish the right of the matter. The hearing shall be conducted as in other cases at law, and if it shall appear that the premises of the objector are assessed more or less than they will be benefited, or more or less than their proportionate share of the cost of the improvement, the jury shall so find, and also find the amount for which such premises ought to be assessed, and judgment shall be rendered accordingly.

**172. Precedence.] § 32.** The hearing in all cases arising under this act shall have precedence over all other cases in such court, except criminal cases.

**173. Court May Modify, Etc., the Assessment.] § 33.** The court before which any such proceeding may be pending, shall have authority, at any time before final *adjournment*

[judgment], to modify, alter, change, annul or confirm any assessment returned, as aforesaid, or cause any such assessment to be recast by the same commissioners whenever it shall be necessary for the attainment of justice, or may appoint other commissioners in the place of all or any of the commissioners first appointed, for the purpose of making such assessment, or modifying, altering, changing or recasting the same, and may take all such proceedings and make all such orders as may be necessary to make a true and just assessment of the cost of such improvement according to the principles of this act, and may from time to time, as may be necessary, continue the application for that purpose as to the whole or any part of the premises.

**174. Judgment Several—Appeal, Etc.—Lien.] § 34.** The judgment of the court shall have the effect of a several judgment as to each tract or parcel of land assessed, and any appeal from such judgment or writ of error shall not invalidate or delay the judgment, except as to the property concerning which the appeal or writ of error is taken. Such judgment shall be a lien upon the property assessed, from the date thereof until payment shall be made.

**175. Judgment Certified to City Clerk—Filing—Warrant.] § 35.** The clerk of the court in which such judgment is rendered shall certify the assessment roll and judgment to the officer of such city or village authorized to collect such special assessments, or if there has been an appeal or writ of error taken on any part of such judgment then he shall certify such part of the judgment as is not included in such appeal or writ of error, and such certificate shall be filed in his office by the officer receiving the same. With such assessment roll and judgment the clerk of such court shall also issue a warrant for the collection of such assessment. [As amended by act approved June 26, 1885. In force July 1, 1885.

**176. Form of Warrant.] § 36.** The warrant in all

cases of assessment under this act shall contain a copy of such certificate of the judgment, describing the lots, blocks, tracts or parcels of land assessed, and the respective amounts assessed on each lot, block, track or parcel of land, and shall be delivered to the officer authorized to collect such special assessments. Such warrant shall give sufficient authority to collect the assessments therein specified.

**177. Collector's Notice—Form of.] § 37.** The collector receiving such warrant shall immediately give notice thereof by publishing such notice in one or more newspapers in such city or village, if such newspaper is there; and if there is no such newspaper, then by posting four copies thereof in public places along the line of the proposed improvements. Such notices may be, substantially, in the following form:

SPECIAL ASSESSMENT NOTICE. SPECIAL WARRANT NO.—.

Public notice is hereby given that the (here insert title of court) has rendered judgment for a special assessment upon property benefited by the following improvement (here insert the character and location of the improvement in general terms) as will more fully appear from the certified copy of the judgment on file in my office; that a warrant for the collection of such assessment is in the hands of the undersigned. All persons interested are hereby notified to call and pay the amounts assessed, at the collector's office (here insert location of office), within thirty days from the date hereof.

Dated this . . . . . day of . . . . . A. D. 18 . . . . . Collector.

[As amended by act approved June 26, 1885. In force July 1, 1885.]

**178. Manner of Collecting—Entry of Payment.] § 38.** It shall be the duty of the collector into whose hands the warrant shall so come, as far as practicable, to call upon all persons resident within the corporation whose names appear on the assessment roll, or the occupants of the property assessed, and personally, or by written or printed notice left at his or her usual place of abode, inform them of such assessment, and request payment of the same. Any such collector omitting so to do shall be liable to a penalty of \$10 for every such omission, but the validity of the special assessment, or the right to apply for and obtain judgment for any such special [assessment,] shall not be affected by such omission. It shall be the duty of such collector to write the word "paid" oppo-

site each tract or lot on which the assessment is paid, together with the name and postoffice address of the person making the payment, and date of payment.

**179. Report of Delinquent List to County Collector—Evidence—Defense.]** § 39. It shall be the duty of the collector of special assessments, within such time as the city council or board of trustees may by ordinance provide, to make a report in writing—to the general officer of the county authorized, or to be designated by the general revenue law of this State, to apply for judgment and sell lands for taxes due the county and State—of all the lands, town lots and real property on which he shall have been unable to collect special assessments, with the amount of special assessments due and unpaid thereon, together with his warrant, or with a brief description of the nature of the warrant or warrants received by him authorizing the collection thereof; which report shall be accompanied with the oath of the collector that the list is a correct return and report of the lands, town lots and real property on which the special assessments levied by authority of the city of. . . . . (or village of. . . . ., as the case may be,) remain due and unpaid; that he is unable to collect the same or any part thereof, and that he has given the notice required by law that said warrants had been received by him for collection. Said report, when so made, shall be *prima facie* evidence that all the forms and requirements of the law in relation to making said return have been complied with, and that the special assessments mentioned in said report are due and unpaid. And, upon the application for judgment upon such assessment, no defense or objection shall be made or heard which might have been interposed in the proceeding for the making of such assessment, or the application for the confirmation thereof.

**180. Application for Judgment—What Laws Govern.]** § 40. When said general officer shall receive the report

provided for in the preceding section, he shall proceed to obtain judgment against said lots, parcels of land, and property, for said special assessments remaining due and unpaid, at the same time and in the same manner as is or may be by law provided for obtaining judgment against lands for taxes due and unpaid the county and State; and shall in the same manner proceed to sell the same for the said special assessments remaining due and unpaid. In obtaining said judgment and making said sale, the said officer shall be governed by the general revenue laws of this State, except when otherwise provided herein. No application for judgment against lands for unpaid special assessments shall be made at a time different from the annual application for judgment against lands, upon which general taxes remain due and unpaid. The application for judgment upon delinquent special assessments in each year, shall include only such special assessments as shall have been returned as delinquent to the county collector, on or before the first day of April, in the year in which such application is made. [As amended by act approved June 18, 1883. In force July 1, 1883.]

**181. Return of Sales — Redemption.] § 41.** After making said sales, the list of lots, parcels of land and property sold thereat shall be returned to the office of the county clerk, and redemption may be made as provided for by the general revenue law of this State.

**182. Penalty When Lands are Sold for Tax, Etc.] § 42.** If the collector shall receive any moneys for taxes or assessments, giving a receipt therefor for any land or parcel of land, and afterwards return the same as unpaid to the State officers authorized to sell land for taxes, or shall receive the same after making such return, and the same be sold for tax or assessment which has been so paid and receipted for by himself or his clerks, he and his bond shall be liable to the holder of the certificate given to the purchaser at the sale, for



double the amount of the face of the certificate, to be demanded in two years from the date of the sale, and recovered in any court having jurisdiction of the amount; and the city or village shall, in no case, be liable to the holder of such certificate.

**183. Paying Over—Compensation.] § 43.** The collector or collectors, and the general officer aforesaid, to whom the said warrant shall be returned, shall pay over to the city or village treasurer to which it shall belong all moneys collected by them, respectively, upon or by virtue of such warrant, or upon any sale for taxes or otherwise, at such time or times, and in such manner as shall be prescribed by ordinance, and shall be allowed such compensation for their services in the collection of such assessment as the ordinances of the city or village may provide, except when such compensation is fixed by general law.

**184. General Revenue Laws Apply.] § 44.** The general revenue laws of this State, in reference to proceedings to recover judgments for delinquent taxes, the sale of property thereon, the execution of certificates of sale and deeds thereon, the force and effect of such sales and deeds, and all other laws in relation to the enforcement and collection of taxes and redemption from tax sales, except as herein otherwise provided, shall be applicable to proceedings to collect such special assessment.

**185. City or Village May Buy In.] § 45.** Any city or village interested in the collection of any tax or special assessment, may become a purchaser at any sale of real or personal property to enforce the collection of the same, and may, by ordinance, authorize and make it the duty of one or more city or village officers to attend such sales, and bid thereat in behalf of the corporation.

**186. When Assessment Set Aside—New Assessment.] § 46.** If any assessment shall be annulled by the city council



or board of trustees, or set aside by any court, a new assessment may be made and returned, and like notice given and proceedings had, as herein required in relation to the first; and all parties in interest shall have the like rights, and the city council or board of trustees and court shall perform like duties and have like power in relation to any subsequent assessment, as are hereby given in relation to the first assessment.

**187. Supplemental Assessments.]** § 47. If, in any case, the first assessment prove insufficient, a second may be made in the same manner, as nearly as may be, and so on, until sufficient moneys shall have been realized to pay for such public improvement. If too large a sum shall, at any time, be raised, the excess shall be refunded ratably to those by whom it was paid.

**188. New Assessments Against Delinquents—Lien—Limitation.]** § 48. If, from any cause, any city or village shall fail to collect the whole or any portion of any special assessment which may be levied, which shall not be canceled and set aside by the order of any court, for any public improvement authorized to be made and paid for by special assessment, the city council or board of trustees may, at any time within five years after the confirmation of the original assessment, direct a new assessment to be made upon the delinquent property for the amount of such deficiency, and interest thereon from the date of such original assessment—which assessment shall be made, as near as may be, in the manner as is herein prescribed for the first assessment. In all cases where partial payment shall have been made on such former assessment, they shall be credited or allowed on the new assessment to the property for which they were made, so that the assessment shall be equal and impartial in its results. If such new assessment prove ineffectual, either in whole or in part, the city council or board of trustees may,

at any time within said period of five years, order a third, and so on, to be levied in the same manner and for the same purpose; and it shall constitute no legal objection to such assessment that the property may have changed hands, or been encumbered, subsequent to the date of the original assessment, it being the true intent and meaning of this section to make the cost and expense of all public improvements, to be paid for by a special assessment, a charge upon the property assessed therefor, for the full period of five years, from the confirmation of the original assessment, and for such longer period as may be required to collect, in due course of law, any new assessment ordered within that period.

**189. Contracts Payable From Assessments.] § 49.**

All persons taking any contracts with the city or village, and who agree to be paid from special assessments, shall have no claim or lien upon the city or village in any event, except from the collections of the special assessments made for the work contracted for.

**190. How Contracts Let—Approval.] § 50.** All contracts for the making of any public improvement, to be paid for in whole or in part by a special assessment, and any work or other public improvement, when the expense thereof shall exceed \$500, shall be let to the lowest responsible bidder, in the manner to be prescribed by ordinance—such contracts to be approved by the mayor or president of the board of trustees: *Provided, however,* any such contract may be entered into by the proper officer without advertising for bids, and without such approval, by a vote of two-thirds of all the aldermen or trustees elected.

**191. Lien.] § 51.** All special assessments levied by any city or village under this act, shall, from the date of assessment, be a lien upon the real estate upon which the same may be imposed, and such lien shall continue until such special assessments are paid. And the same proceedings may be re-

sorted to by the collector, upon any warrant or order issued or made for the collection of special assessments, as in the case of the collection of State and county taxes under the general laws of the State.

**192. Collection by Suit.] § 52.** At any time after the same becomes due, it shall and may be lawful for any collector thereof to commence suit in any court of record, in the corporate name of such city or village, against any person or persons, for the total amount of special assessments which such person or persons are liable for the payment of. Such suit shall be commenced by petition, and shall state the several amounts of the special assessments sought to be recovered, and give a general description of the warrant or warrants issued for the collection thereof. Upon the filing of the petition a summons shall be issued, served and returned as in other suits in such court. Upon the return of such summons, duly served, the court shall forthwith proceed to the hearing of said petition without formal pleadings, and may render judgment for all or any part of the special assessments, as the right and justice of the case may require. The original, or a certified copy (by the clerk, under the corporate seal,) of such warrant or warrants and list or lists, or so much thereof as refers to the special assessments sought to be recovered, shall be *prima facie* evidence of the right of said collector to a judgment in favor of such corporation. Execution shall issue on such judgment as in other cases, but such execution may be first levied upon and collected from any personal property of the defendant; or the court, in which such proceedings were had, may, upon complaint of the city or village, issue a *scire facias* against the person or persons liable for such payment, to show cause why execution should not issue against him or them for the amount of such assessment; and if, upon the return of such *scire facias*, good cause is not shown why execution should not issue, the court may award execution against such person or persons in the usual form of execution upon judgments at law.

AN ACT to amend section 53. article 9, of "An act to provide for the incorporation of cities and villages," approved April 10, 1872, as amended.

§ 1. That section 53 of article 9 of "An act to provide for the incorporation of cities and villages," approved April 10, 1872, be amended to read as follows:

**193. Supplemental Petition to Assess Benefits in Condemnation Proceedings.] § 53.** Whenever any city or village shall apply to any court for the purpose of making just compensation for property taken or damaged by such proceedings as are authorized by this act, such city or village may file in the same proceedings a supplemental petition, praying the court to cause that an assessment be made for the purpose of raising the amount necessary to pay the compensation and damages which may be or shall have been awarded for the property taken or damaged with the costs of the proceeding. The said court shall have power, at any time after such supplemental petition shall have been filed, to appoint three commissioners to make such assessment and to ascertain, as near as may be, the costs incurred to the time of such appointment, and the probable further costs of the proceedings, including therein the estimated costs of making and collecting such assessment, and shall direct such cost to be included by such commissioners in making said assessment. Like proceedings in making said assessment shall be had, and the assessment shall be made, collected and enforced in the same manner, as near as may be, as is provided in this article in other cases: *Provided, however,* in all proceedings heretofore commenced, where the property has not been fully paid for, or that shall hereafter be commenced, said city or village shall take and pay for the lands sought to be taken or damaged within two years of the entry of judgment in such condemnation proceedings. And after the expiration of such time the court in which the proceedings may have been had, upon a motion of any person interested in the lands, may enquire in a

summary manner whether the lands in which such person is interested have been taken or damaged and paid for; and if the court finds that such lands have not been taken or damaged and not been paid for, it shall enter an order requiring the city or village to pay for such lands within a short day, to be fixed by the court; and in default thereof shall dismiss such proceeding as far as they relate to lands of such person. If, however, the court finds that such city or village has taken possession of the land and has not paid therefor, it shall enter an order requiring such city or village to pay the amount of the condemnation judgment, with interest from the time of such taking, within a short day to be fixed by the court; and in default thereof, to dismiss the proceedings and enter a several judgment in favor of such land owners for interest from the day of taking, and direct the issue of a writ of possession in favor of the several owners or their legal representatives or grantees respectively. And such dismissal as aforesaid shall operate as a bar to further proceedings under such ordinance against the land affected by such dismissal. And every such cause shall be considered as pending in the court in which the same has been, or shall be commenced, until all the lands sought to be taken are paid for, or until the proceedings are dismissed where the lands have not been taken. [Approved June 18, 1891.

**194. Adoption of This Article.] § 54.** Any city or incorporated town or village may, if it shall so determine by ordinance, adopt the provisions of this article without adopting the whole of this act; and where it shall have so adopted this article, it shall have the right to take all proceedings in this article provided for, and have the benefit of all the provisions hereof.



AN ACT to amend sections 55 and 63 of article 9, of an act entitled "An act to provide for the incorporation of cities and villages," approved April 10, 1872, as amended by an act entitled "An act to amend article 9 of an act entitled 'An act to provide for the incorporation of cities and villages,' " approved April 10, 1872, in force July 1, 1872, by adding thereto the following sections, approved and in force April 29, 1887.

**195. Special Assessment Divisible Into Instalments.]**

§ 55. That the amount of any special assessment for any local improvement in any city, incorporated town or village may be divided into installments, when so provided for by the ordinance providing for the said improvement, the first of which shall not exceed the sum of twenty-five per cent. of the total of said assessment, and which shall be due and payable from and after confirmation of said assessment. The remaining portion of said assessment, after deducting the said first installment, shall be divided into four equal annual installments, which said installments shall be payable annually thereafter, and collected in the same manner that other assessments are now collected, and the annual interest, herein provided for, on all of said installments which may at any time remain unpaid, shall also be payable annually thereafter and collected in the same manner that other assessments are now collected. Each of said four last named installments shall bear interest at the rate of six per cent. per annum, payable in each year, from and after the first day of July next succeeding the confirmation of said assessment, when such confirmation shall be had between the first day of November and the first day of March; and when such confirmation is had between the first day of March and the first day of July, then each of the said four last named installments shall bear interest at the rate of six per cent. per annum in each year, from and after the first day of October next succeeding such confirmation of assessment; and when such confirmation is had between the first day of July and the first day of November, then each of said four last named installments shall bear interest at the rate of six per cent. per



annum, from and after the first day of January next succeeding such confirmation of assessment. Such interest shall be payable in each year at the time when the installments are payable: *Provided*, that in cities containing a population of fifty thousand or more this and the following sections shall not apply except in cases where any such special assessments shall exceed in the aggregate the sum of fifteen thousand dollars.

**196. Payment for Improvement Done—Vouchers.]**

§ 63. Payment for any improvement done or performed under the provisions of this act shall be made in the following manner: From the amount of the first payment when it shall be collected shall first be paid all the costs of making the said assessment, including court costs. The remainder of said payment shall then be paid to the person or persons entitled thereto on the contract for said work. The amount remaining due upon the contract for said improvement shall then be divided into four equal parts, and the authorities of any city, incorporated town or village shall issue a voucher to the person or persons entitled thereto for each part, payable in the same order and manner that the installments are payable, and said vouchers shall bear the same rate of interest per annum that the said installments bear, which interest shall be paid on the first day of July, October or January, annually after their date, according to the date of the confirmation of the respective assessments, to the person holding such voucher.

Said vouchers shall be made payable to the order of the person or persons entitled thereto, and state the improvement and the installment for which they are issued.

They shall also contain the following: In consideration of the issuing of this voucher I hereby for.....sel..... heirs, executors, administrators and assigns, accept the same in full payment of the amount herein stated, and relinquish any and all claims of liens I have against the (city, incorporat-

ed town, or village) of..... for the work mentioned herein, or for the payment of this voucher, except from the collection of the installment herein named.

.....

(Signature of person receiving the same.)

Approved June 15, 1891.

**197. May be Paid Before Maturity—Interest.] § 56.**

That any installment or installments which may be assessed against any tract, lot, block or piece of land may be paid at any time before maturity, in which case interest shall be charged only to the time of payment, and upon such payment the property for which said payment is made shall be discharged from the lien to the extent of such payment. [Added by act approved and in force April 29, 1887.]

**198. When by Installment — Ordinance.] § 57.**

Whenever any city, incorporated town or village desires to make the collection of any special assessment, as aforesaid, by installments under the provision of this act, the ordinance providing for said improvement shall also state that the same shall be collected by installments, and fix the amount of the first installment. [Added by act approved and in force April 29, 1887.]

**199. Assessment Roll—What to Contain.] § 58.**

Upon the assessment roll to be returned by the commissioners shall be designated, in appropriate columns, first the amount of each installment, second the total amount of the assessment, which said items shall be carried out and set opposite each tract, lot or piece of property so assessed. [Added by act approved and in force April 29, 1887.]

**200. Notice—What to Contain.] § 59.**

The notice to be given by the collector as now provided for by law when the assessment is under the provisions of this act, in addition to what is now required shall contain the amount of each installment, the rate of interest deferred installments bear, the

date of payment and that the whole of said assessment, or any installment thereof, may be paid at any time at the option of the owner or owners of said lot, block, piece or tract. [Added by act approved and in force April 29, 1887.]

**201. Order of Confirmation.] § 60.** The order of confirmation that shall be entered upon the return of any such assessment roll shall apply to all of the installments thereof, and may be entered in one order. [Added by act approved and in force April 29, 1887.]

**202. Warrant for Collection.] § 61.** The warrant for the collection of any such special assessment to be made hereunder shall contain a copy of such certificate of the judgment, describing the lots, blocks, tracts or parcels of lands assessed and the respective amount assessed upon each lot, tract, piece or parcel of land, and the year in which each installment is payable. [Added by act approved and in force April 29, 1887.]

**203. Proceedings for Judgment.] § 62.** Proceedings for judgment and sale against lots, tracts, pieces and parcels of land for which the assessment has not been paid shall be had in the same manner as now provided upon each installment in the respective years in which they become due and payable, and the laws now in force in so far as they are applicable shall apply. [Added by act approved and in force April 29, 1887.]

**204. Persons Accepting Vouchers.] § 64.** Any person or persons accepting the vouchers, as provided herein, for work done or performed upon any local or public improvement shall have no claim or lien upon the city, incorporated town or village in any event for the payment of said vouchers or the interest, except from the collection of the installments for which said vouchers are issued, *and, provided,* that this section shall apply to all holders of any of said vouch-

ers, whether the original contractor or their assigns. [Added by act approved and in force April 29, 1887.

**205. Surplus Remaining—Notice.] § 65.** If upon the payment of the money and issuance of the vouchers, as provided for in the last section hereof, there shall be any surplus remaining of said special assessment over and above the payment aforesaid, it shall be the duty of the proper authorities of said city, incorporated town or village to at once cause the respective installments to be credited with their respective proportion of surplus, and in case any person or persons have, before said credit has been entered, paid his assessment or any part thereof, without having received the benefit of said credit, the proper authorities shall at once cause notice of such over-payment to be sent by mail to the person by whom such over-payment was made, and upon proper proofs the same shall be repaid. [Added by act approved and in force April 29, 1887.

**206. Special Assessment—When City May Advance to Pay Damages.] § 66.** In case said special assessment shall be made for the purpose of paying the compensation awarded for the taking or damaging of private property for public use, payments may be made as provided herein, in the case of contracts let and the acceptance by the owner of any lot, piece or tract taken or damaged of the vouchers issued shall be deemed payment to said owner or owners of said compensation, and upon proof thereof, an order of possession may be entered, as is now provided: *Provided*, that after a special assessment has been confirmed to pay for property taken or damaged for public use, the city council in cities and the president and board of trustees in villages may appropriate and advance a sufficient amount to pay the compensation awarded, or so much of the same as shall not have been paid by acceptance of vouchers as herein provided: *Provided, however*, that such appropriation and advancement shall in no way affect the collection of said assessment, but

the same shall be collected in the same manner, as though said appropriation had not been made: *And, provided, further*, that when such assessment shall have been collected, that the same, together with the interest thereon, shall be paid into the general fund of said city, incorporated town or village in liquidation of the amount so advanced. [Added by act approved and in force April 29, 1887.]

**207. When Collected by Installment.] § 67.** In all cases where special assessments have been made, but not confirmed, it shall be lawful for any city, incorporated town or village, through its legislative body, to provide by ordinance that said assessment may be collected by installments, under the provisions of this act. [Added by act approved and in force April 29, 1887.]

AN ACT for the assessment of property and for the levy and collection of taxes. [Approved March 30, 1872, in force July 1, 1872.]

**208. Return of Delinquent to County Collectors—His Duties—Transfer of Amounts.] § 178.** When any special assessment made by any city, town or village, pursuant to its charter, or by any corporate authorities, commissioners or persons, pursuant to law, remain unpaid in whole or in part, return thereof shall be made to the county collector on or before the tenth day of March next after the same shall have become payable, in like forms as returns are made for the delinquent land tax. County collectors shall collect, account for, and pay over the same to the authorities or persons having authority to receive the same, in like manner as they are required to collect, account for and pay over taxes. The county collector may, upon return of delinquent special assessments to him, transfer the amounts thereof from such returns to the tax books in his hands, setting down therein, opposite the respective tracts, or lots, in proper columns to be prepared for that purpose, the amounts assessed against such tract or lot. [As amended by act approved May 3, 1873.]



**209. Demand for Assessment When Tax Paid.]** § 179. When any special assessment is returned against property, the taxes upon which shall have been paid to the town or district collector, it shall be the duty of the county collector to cause demand to be made for the payment of such special assessment, or a notice thereof to be sent by mail, or otherwise, to the owner, if his place of residence is known. The certificate of a collector that such demand was made or notice given, shall be evidence thereof.

AN ACT in relation to the collection of taxes and special assessments.  
[Approved and in force May 3, 1873.]

**210. City, Etc., May Buy In at Sale.]** § 3. Any incorporated city, town or village, or corporate authorities, commissioners, or persons interested in at any such special assessment or installment thereof, may become purchaser at any sale, and may designate and appoint some officer or person to attend and bid at such sale on its behalf.

AN ACT concerning the apportionment of special assessments payable in installments. [Approved April 13, 1875. In force July 1, 1875.]

**211. Apportionment of Special Assessments Payable in Installments.]** § 1. That in all cases where any special assessments, payable in installments, has been, or hereafter shall be made by any corporate authority, for supplying water, or other corporate purpose, and the owner or owners of any lot, block or parcel of land so assessed, or some of them, shall desire to subdivide the same, and to apportion such assessment and the several installments thereof in such manner that each parcel of such proposed subdivision shall bear its just and equitable proportion thereof, the same may be done in the manner following, to-wit: The owner or owners of such lot, block or parcel of land shall present to such corporate authority a petition, setting forth:

1. The descriptive character of the assessment and the date of the confirmation of the same.



2. The names of the owners.
3. A description of the land proposed to be subdivided, together with the amount of each installment thereon, and the year or years for which the same are due.
4. A plat showing the proposed subdivision.
5. The proposed apportionment of the amount of each installment on each lot or parcel according to such proposed subdivision. Such petition shall be acknowledged in the manner provided for the acknowledgment of deeds, and if such corporate authority shall be satisfied therewith, they shall cause to be indorsed or attached to such petition their approval by their clerk or secretary, under their corporate seal, and the same, so approved, shall be filed and recorded in the office of the county clerk in which such land shall be situate, and such apportioned assessment shall stand in place of the original assessment, and the same and the several installments thereof shall be deemed duly apportioned, and the several amounts so apportioned shall be liens upon the several parcels charged, respectively; and for the purpose of collecting the same all proceedings shall be had and taken as if said assessment and installments had been made and apportioned in the first instance according to such apportioned description and amounts, and the respective owners shall be held to have waived every and all objections to such assessment and the apportionment aforesaid: *Provided*, this act shall not apply to any lot, block or parcel of land on which there shall remain due and unpaid any installment. In case the owners are unable to agree as to such apportionment, or any of them are under legal disability, one or more of them may file a petition with the circuit court of the county in which such land so assessed is situate, substantially in form as hereinbefore provided; and in such case such corporate authority, together with all owners or persons interested, not joined as petitioners and unknown owners, if any, shall be made parties defendant, and all proceedings in

relation thereto shall be had as in cases in chancery. The court may hear and determine the case according to the right of the matter. A copy of the record of the proceedings of the court in the premises in case of an apportionment, duly certified, shall be filed and recorded in the office of such county clerk, and the same shall thereupon, as to the land therein embraced, the owners thereof, the apportionment aforesaid, and the collection of the several amounts apportioned, have the same force and effect as is hereinbefore provided in cases where such corporate authorities shall approve of a petition and file and record the same.

## ARTICLE X.

### MISCELLANEOUS PROVISIONS.

#### Section.

- 212. Water—Borrow Money.
- 213. Acquiring Property for Water Works  
—Jurisdiction Over.
- 214. Regulation—Rates, Taxation, etc.
- 215. Water Rates Fixed—Supply by Private Parties.
- 216. Tax-payer May Enforce Rights in  
Name of City.

#### Section.

- 217. Maps—Approval of.
- 218. Inhabitants Competent as Jurors, etc.
- 219. Population—Census.
- 220. Municipal Year.
- 221. City Need Not Give Appeal Bond.

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**212. Water Supply—Borrowing Money.] § 1.** The city council or board of trustees shall have the power to provide for a supply of water by the boring and sinking of artesian wells, or by the construction and regulation of wells, pumps, cisterns, reservoirs or water works, and to borrow money therefor, and to authorize any person or private corporation to construct and maintain the same at such rate as may be fixed by ordinance, and for a period not exceeding thirty years; also to prevent the unnecessary waste of water; to prevent the pollution of the water, and injuries to such wells, pumps, cisterns, reservoirs or water works.

**213. Acquiring Property for Water Works—Jurisdiction Over.]** For the purpose of establishing or supplying water works, any city or village may go beyond its territorial limits, and may take, hold and acquire property by purchase or otherwise; shall have power to take and condemn all necessary lands and property therefor, in the manner provided for the taking or injuring private property for public uses; and the jurisdiction of the city or village to prevent or punish any pollution or injury to the stream or source of water, or to such water works, shall extend five miles beyond its corporate limits, or so far as such water works may extend.

**214. Regulations—Rates—Taxation, Etc.] § 3.** The city council or board of trustees shall have power to make all needful rules and regulations concerning the use of water supplied by the water works of said city or village, and to do all acts and make such rules and regulations for the construction, completion, management or control of the water works, and for the levying and collecting of any water taxes, rates or assessments, as the said city council or board of trustees may deem necessary and expedient; and such water taxes, rents, rates or assessments may be levied or assessed upon any lot or parcel of ground, having a building or buildings thereon, which shall abut or join any street, avenue or alley in such city or village through which the distributing pipes of such water works (if any) of said city or village are or may be laid, which can be conveniently supplied with water from said pipes: *Provided*, [whether] the water shall be used on such lot or parcel of ground or not; and the same, when so levied or assessed, shall become a continuing lien or charge upon such lot or parcel of ground, building or buildings, situated thereon, and such lien or charge may be collected or enforced in such manner as the city council may, by ordinance, prescribe. And the corporate authorities may levy a general tax for the construction and maintenance of such water works, and appropriate money therefor.

AN ACT to enable cities, towns and villages incorporated under any general or special law of this State to fix the rates and charges for the supply of water furnished by any individual, company or corporation to any such city, town or village and the inhabitants thereof.

**215. Water Rates and Charges Fixed When the Supply is Furnished by Private Parties.]** § 1. That the corporate authorities of any city, town or village, now or hereafter incorporated under any general or special law of this State, in which any individual, company or corporation has been, or hereafter may be, authorized by such city, town or village to supply water to such city, town or village and the inhabitants thereof, be and are hereby empowered to prescribe by ordinance maximum rates and charges for the supply of water furnished by such individual, company or corporation to such city, town or village and the inhabitants thereof, such rates and charges to be just and reasonable. And in case the corporate authorities of any such city, town or village shall fix unjust and unreasonable rates and charges, the same may be reviewed and determined by the circuit court of the county in which such city, town or village may be. [Approved June 6, 1891.

**216. Tax-Payer May Enforce Rights in Name of City, Etc.]** § 4. A suit may be brought by any tax-payer, in the name and for the benefit of the city or village, against any person or corporation, to recover any money or property belonging to the city or village, or for any money which may have been paid, expended or released without authority of law: *Provided*, that such tax-payer shall file a bond for all costs and be liable for all costs in case the city or village be cast in the suit, and judgment shall be rendered accordingly.

**217. Maps—Approval of.]** § 5. The city council or board of trustees shall have power to provide, by ordinance, that any map, plat, or subdivision of any block, lot, sub-lot, or part thereof, or of any piece or parcel of land, shall be sub-

mitted to the city council or board of trustees, or to some officer to be designated by such council or board of trustees, for their or his approval; and in such cases no such map, plat or subdivision shall be entitled to record in the proper county, or have any validity until it shall have been so approved.

**218. Inhabitants Competent as Jurors, Etc.] § 6.** No person shall be an incompetent judge, justice or juror, by reason of his being an inhabitant or freeholder in said city or village, in any action or proceeding in which said city or village may be a party in interest.

**219. Population—Census.] § 7.** Whenever in this act any provision thereof is based upon the number of inhabitants, [the number of inhabitants] of the city or village shall be determined by reference to the latest census taken by authority of the United States or this State, or of such city or village; and it shall be the duty of the secretary of State, upon the publication of any State or United States census, to certify to each city or village the number of inhabitants, as shown by such census. Any city or village may, by ordinance, provide for the taking of a census of the population thereof, in order to determine the number of such population for any and all purposes of this act. And the several courts in this State shall take judicial notice of the population of any city or village, as the same may appear from the latest federal, State, city or village census so taken.

**220. Municipal Year.] § 8.** The term “municipal year” shall be construed to mean the period elapsing between the regular annual elections, unless otherwise provided by ordinance.

**221. City or Village Need Not Give Appeal Bond.] § 9.** When in any suit the city or village prays an appeal from the judgment of any court of this State to a higher court, it shall not be required to furnish an appeal bond.



## ARTICLE XI.

## ORGANIZATION OF VILLAGES.

## Section.

- 222. By Incorporated Towns.
- 223. Pallot.
- 224. Returns—Canvass—Record.
- 225. Result—Old Officers Continue Until, Etc.
- 226. New Organization—How Effected.
- 227. Petition—Election—Returns.
- 228. Result—Election of Officers, Etc.
- 229. Trustees—Corporate Name—Powers.
- 230. Powers and Duties of President and Trustees.

## Section.

- 231. Style of Ordinances.
- 232. Appointment of Officers—Prescribe Duties and Fees.
- 233. Powers of Constable.
- 234. Annual Elections.
- 235. Suits—Jurisdiction—Fines, Etc.
- 236. Police Magistrates.
- 237. No Incorporation Under Former Laws.
- 238. Changing From City to Village.
- 239. Election of President—Powers of.
- 240. Repeal.

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**222. By Incorporated Towns.] § 1.** Any town in this State incorporated either under any general law for the incorporation of towns, and acts amendatory thereof, or under any special act for the incorporation of any town or village, may become organized as a village, under this act, in the manner following: Whenever any thirty voters in such town shall petition the president and trustees thereof to submit the question whether such town will become organized as a village, under this act, to the decision of the legal voters thereof, it shall be the duty of such president and trustees to submit the same accordingly; and to fix a time and place within such town for holding such election; and to appoint the judges to hold such election; and to give notice of the time, place and purpose of such election by causing at least five notices thereof to be posted in public places in such town, for at least fifteen days prior to holding such election.

**223. Ballot.] § 2.** Each qualified voter, resident within such town or proposed village, shall have the right to cast a ballot at such election, with the words thereon, "For village organization under the general law," or "Against village organization under the general law."



**224. Returns--Canvass--Record.]** § 3. The judges of such election shall make returns thereof to the president and trustees of the town, as soon as practicable after such election is held; and it shall be the duty of the president and trustees to canvass such returns, and cause a statement of the result of such election to be entered upon the records of the town.

**225. Result--Old Officers Continue Until, Etc.]** § 4. If a majority of the votes cast at such election are for village organization under the general law, such town shall, from thenceforth, be deemed to be duly incorporated as a village under this act; but the town officers then in office shall continue as like officers of such village until their successors shall be elected or appointed under the provisions of this act.

**226. New Organization -- How Effected--Form of Petition.]** § 5. Whenever any area of contiguous territory, not exceeding two square miles, shall have resident thereon a population of at least three hundred inhabitants, and which territory is not included within the limits of any incorporated town, village or city, the same may become incorporated as a village, under this act, in the manner following: Any thirty legal voters resident within the limits of such proposed village may petition the county judge of the county in which they reside, to cause the question to be submitted to the legal voters of such proposed village, whether they will organize as a village under this act, and if the territory described in said petition shall be situated in more than one county, then the petition shall be addressed to the judge of the county court of the county where a greater part of such territory is situated. Such petition shall be addressed to the county judge, contain a definite description of the lands intended to be embraced in such village, the number of inhabitants resident therein, and the name of such proposed village.

**227. Petition—Election—Returns.]** § 6. Upon the filing such petition in the office of the county clerk, it shall be the duty of such judge to perform the same duties in reference to fixing the time and place of such election, giving notice appointing judges thereof, as is above required to be performed by the president and trustees in towns already incorporated. The returns of such election shall be made to the county judge, who shall call to his assistance any two justices of the peace, and canvass such returns, and cause a statement of the result of such election to be entered upon the records of the county court. The second section of this article shall be applicable to such election.

**228. Result—Election of Officers, Etc.]** § 7. If a majority of the votes cast at such election is for village organization under the general law, such proposed village, with the boundaries and name mentioned in the petition, shall, from thenceforth, be deemed an organized village under this act, and the county judge shall, thereupon, call, and fix the time and place of an election to elect village officers, and cause notice thereof to be posted or published, and perform all other acts in reference to such election, in like manner, as nearly as may be, as is required to perform in reference to the election of officers in newly organized cities. But the term of office of trustees elected at such election shall terminate as soon as their successors are elected and qualified, at the regular annual election.

**229. Trustees—Corporate Name—Powers.]** § 8. In each village organized under this act, there shall be elected by the qualified electors therein six trustees, who shall hold their office until their successors are elected and qualified. At the first election held thereafter there shall be elected the full number of trustees. At the first meeting of the board of trustees held after said first election, the trustees elected shall be divided by lot into two classes; those of the first class shall con-

tinue in office for one year, and those of the second for two years from the date of the annual election for that municipal year, and annually thereafter there shall be elected three trustees, who shall hold their office for the term of two years, and until their successors are elected and qualified. The trustees shall choose one of their own number president; and such village shall from the time of the first election held by it under said act be considered in law and equity, a body corporate and politic, by the name and style of "The village of. . . .," and by such name and style may sue and be sued, contract and be contracted with, acquire and hold real and personal property necessary for corporate purposes, adopt a common seal and alter the same at pleasure, and possess all other powers as a corporation in this act conferred upon cities not exceeding five thousand inhabitants, except as herein otherwise expressly provided. And wherever the words "city council" or "mayor" occur in this act, the same shall be held to apply to the trustees and president of such village, so far as the same may be applicable. [As amended by act approved May 28, 1879.

### **230. Powers and Duties of President and Trustees. |**

§ 9. The president of the board of trustees shall perform the duties and exercise the powers conferred upon the mayor of a city not exceeding five thousand inhabitants, and shall have the right to vote as a trustee at any meeting of the trustees; but when he shall have so voted shall not have the right to give the casting vote; and the trustee shall perform the duties and exercise all the powers conferred upon aldermen in cities; and the president and board of trustees may exercise the same powers conferred upon the mayor and city council of cities of not exceeding five thousand inhabitants, and pass ordinances in like manner. The president of the board of trustees may exercise the same veto powers, and with like effect, as the mayor of a city; and the board of trustees may pass ordinances over such veto in like manner as a city council.

**231. Style of Ordinances.]** § 10. The style of ordinances passed in villages shall be as follows: "Be it ordained by the President and Board of Trustees of the village of . . . . .," (as the case may be).

**232. Appointment of Officers—Prescribe Duties and Fees.]** § 11. The president and board of trustees may appoint a clerk *pro tempore*, and whenever necessary to fill vacancies; and may also appoint a treasurer, one or more street commissioners, a village constable, and such other officers as may be necessary to carry into effect the powers conferred upon villages, to prescribe their duties and fees, and require such officers to execute bonds as may be required by ordinance.

**233. Powers of Constable.]** § 12. The village constable shall have the same powers to make arrests, execute process, and perform other official acts as other constables under the general laws of the State, together with such other powers as may be conferred on him by ordinance.

**234. Annual Elections.]** § 13. An annual election for three trustees, and a clerk of villages shall be held on the third Tuesday of April in each year: *Provided*, that in villages, the territorial limits of which coincide with the territorial limits of any township, an election for trustees, and a clerk of villages, shall be held at the same time, and at the same polling places as the annual township election, to-wit: On the first Tuesday of April in each year. Special elections may be held, under such regulations as may be provided by ordinance, to fill vacancies, and for other purposes. [As amended by act approved and in force March 11, 1881.

**235. Suits—Jurisdiction—Fines, Etc.]** § 14. Suits and prosecutions for the violations of any village ordinance may be prosecuted in the name of "The Village of . . . . .," and justices of the peace and police magistrates shall have juris-

diction over such suits; and all fines and money so collected shall be paid into the village treasury.

**236. Police Magistrates.]** § 15. There may be a police magistrate elected at a regular annual election in each village, who shall give bonds, qualify, and have the same jurisdiction as other justices of the peace, and hold his office for four years, and until his successor is elected and qualified.

**237. No Incorporation Allowed Under Former Laws.]** § 16. After the taking effect of this act, no town or city shall become incorporated under any other general law then in force<sup>e</sup> for the incorporation of towns or cities.

**238. Changing from City to Village.]** § 17. That it shall be the duty of the mayor and common council of any city, upon the petition of one-fourth of the legal voters thereof, and upon ten days' previous notice of such application by the city clerk published in some newspaper printed in said city, or by posting such notices in five of the most public places within said city, for said period, in case no such newspaper is printed in said city, to fix the time and call an election to decide whether said city shall be organized into a village. That said election shall be governed by the provisions of sections fifty (50) fifty-six (56) and fifty-seven (57) of said act, and the legal voters at said election shall vote for or against the organization of said city into a village, and the tickets shall be written or printed, "*For Village Organization*," or "*Against Village Organization*," and if there shall be a majority of the votes cast at such election in favor of the organization of said city into a village, then said city shall be a village within the meaning of said act under its former name so changed, and shall succeed to all the rights and be liable for all the debts and legal liabilities of said city, and the mayor of said city shall, within ten days after said election, give notice of the time and place for the election of trustees as near as may be, as provided for under section one hundred and eighty-four (184)



and one hundred and eighty-five (185) of said act, who shall hold their offices until the next regular election: *Provided*, that after one election shall have taken place, no other election for a like purpose until one year shall have elapsed. [This section added to the above act by amendment approved May 29, 1879. In force July 1, 1879.

An act concerning villages and incorporated towns. [Approved June 9, 1887. In force July 1, 1887.

**239. Election of President—Powers of.] § 1.** That in addition to the trustees and officers required by law, a president of each and every village and incorporated town shall hereafter be elected annually by the voters of such village or town, at the regular election of such village or town, commencing with the election of such village or town held in the year A. D. 1888, and such president of any village or incorporated town shall hold his office for the term of one year and until his successor is elected and qualified. The president of any village or incorporated town shall be president of the board of trustees thereof, and shall preside at all meetings of said board, and shall have the same powers and perform the same duties as are or may be given by law to the president of boards of trustees in villages, but he shall not vote except in case of a tie, when he shall give the casting vote.

**240. Repeal.] § 2.** All acts and parts of acts in conflict with the provisions of this act are hereby repealed.



## ADDITIONAL STATUTES.

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|--------------------------------------|--|
| 1. Actions to Recover Penalties.     | 19. Landings and Levees.               |
| 2. Agriculture—Marketing Products.   | 20. Libraries, Public.                 |
| 3. Aliens.                           | 21. Liquor Law.                        |
| 4. Animals.                          | 22. Officers.                          |
| 5. Annexing and Excluding Territory. | 23. Oil Inspection.                    |
| 6. Bonds—Municipal.                  | 24. Parks.                             |
| 7. Bridges and Ferries.              | 25. Plats.                             |
| 8. Cemeteries.                       | 26. Policeman's and Fireman's Funds.   |
| 9. Changing Name.                    | 27. Public Buildings.                  |
| 10. City Courts.                     | 28. Railroads.                         |
| 11. Drainage and Sewerage.           | 29. Riot.                              |
| 12. Elections.                       | 30. Roads and Bridges.                 |
| 13. Eminent Domain.                  | 31. Sale of Property.                  |
| 14. Evidence.                        | 32. Schools.                           |
| 15. Fire Escapes.                    | 33. Streets.                           |
| 16. Horse and Dummy Railroads.       | 34. Telegraph and Telephone Companies. |
| 17. House of Correction.             | 35. Township Organization.             |
| 18. Insurance.                       | 36. Water Works.                       |

## I. ACTIONS TO RECOVER PENALTIES

## Section.

241. Suits—How Brought.

242. Arrest—Imprisonment—Workhouse.

## Section.

243. Repeal.

AN ACT entitled "An act in regard to suits by incorporated cities and villages, and to enforce penalties and recover fines for violating ordinances thereof." [Approved May 31, 1879. In force July 1, 1879.

**241. Suits—How Brought, Etc.] § 1.** That all actions to recover any fine, or to enforce any penalty, under any ordinance of any city or village in this State, shall be brought in the corporate name of the city or village, as plaintiff, and no prosecution, recovery or acquittal for the violation of any such ordinance shall constitute a defense to any other prosecution of the same party, for any other violation of any such ordinance, although the different causes of action existed at the same time, and, if united, would not have exceeded the jurisdiction of the court or magistrate.

AN ACT to provide for the punishment of persons violating any of the ordinances of the several cities and villages in this State

**242. Arrest — Imprisonment — Work-House.] § 1.**

That in all actions for the violation of any ordinance of any city or village organized under any general or special laws of this State, the first process shall be a summons: *Provided, however,* that a warrant for the arrest of the offender may issue in the first instance, upon the affidavit of any person that any such ordinance has been violated, and that the person making the complaint has reasonable grounds to believe the party charged is guilty thereof; and any person arrested upon such warrant, shall, without unnecessary delay, be taken before the proper officer, to be tried for the alleged offense. Any person upon whom any fine or penalty shall be imposed may, upon the order of the court or magistrate before whom the conviction is had, be committed to the county jail or the calaboose, city prison, work-house, house of correction, or other place provided by such cities or villages by ordinance for the incarceration of such offenders until such fine, penalty, and cost shall be fully paid: *Provided,* that no such imprisonment shall exceed six months for any one offense. The city council or board of trustees of any such cities or villages shall have power to provide by ordinance that every person so committed shall be required to work at such labor as his or her strength will permit, within and without such prison, work-house, house of correction, or other place provided for the incarceration of such offenders, not to exceed ten hours each working day; and for such work the person so employed, or worked, shall be allowed, exclusive of his or her board, the sum of fifty cents for each day's work on account of such fine and costs.

**243. Repeal.] § 2.** All acts or parts of acts inconsistent with the foregoing section are hereby repealed.

## 2. AGRICULTURE—MARKETING PRODUCE

## Section.

244. Farmers, Etc., May Sell Produce  
Without License.

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AN ACT for the protection of farmers, fruit growers vine growers and gardeners. [Approved January 13, 1872. In force July 1, 1872.

**244. Farmer, Etc., May Sell Produce Without License.]** § 1. That every farmer, fruit and vine grower, and gardener, shall have an undisputed right to sell the produce of his farm, orchard, vineyard, and garden in any place or market where such articles are usually sold, and in any quantity he may think proper, without paying any State, county or city tax, or license for doing so, any law, city or town ordinance to the contrary notwithstanding: *Provided*, that the corporate authorities of any such city, town or village may prohibit the obstruction of its streets, alleys and public places for any such purpose: *And, provided further*, that nothing in this act shall be so construed as to authorize the sale of spirituous, vinous or malt liquors, contrary to laws which now are or hereafter may be in force prohibiting the sale thereof.

## 3. ALIENS.

## Section.

245. None But Citizens or Those Having Declared Their Intention to be Paid From Public Funds for Labor.
246. Persons Employing Labor to be Paid out of Public Funds to Make List, Etc.

## Section.

247. Penalty for Violating This Act.
248. Making False Certificate—Penalty.
249. Employer to Investigate and Discharge Aliens.
250. Failure to Take Final Papers.

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AN ACT to protect the labor of native and naturalized American citizens, and of those who have in good faith declared their intentions to become naturalized American citizens. [Approved June 1, 1889. In force July 1, 1889.

**245. None but Citizens, or Those Having Declared Their Intention, to be Paid From Public Funds.]** § 1. That it shall be unlawful for any board or commission, or any

officer or other person acting for the State, or for any county, township, city, village, district, or other municipality in the State, or any contractor, or sub-contractor, under any or either of said municipalities, to employ any person or persons, other than native born or naturalized citizens, or those who have in good faith declared their intentions to become citizens of the United States, when such employes are to be paid in whole or in part, directly or indirectly, out of any funds raised by taxation.

**246. Persons Employing Labor to be Paid out of Public Funds to Make List, Etc.]** § 2. It shall be the duty of any person or persons employing labor or other services, to be paid for, in whole or in part, directly or indirectly, out of any funds raised by taxation, to file with the treasurer or disbursing officer of such funds a certificate showing to the best of his knowledge and belief that the person so employed, and on whose account payment is to be made out of such public funds, are citizens of the United States, or have in good faith declared their intentions to become such citizens, or are of such age or sex that they can not delare their intention to become citizens, or can not be formally declared to be citizens by an order of a court of record.

**247. Penalty for Violating This Act.]** § 3. Any treasurer or disbursing officer, who shall knowingly or willfully pay out any of the funds in his hands, raised by taxation, to any person not a native born or naturalized citizen, or who has not in good faith declared his intentions to become a citizen, for labor or any other services, shall be liable to the municipality to which such funds belonged for the amount so paid, to be recovered in any court of competent jurisdiction: *Provided*, that when such payment is made on the requisite certificate of the employer, no liability shall attach to such treasurer or disbursing officer.

**248. Making False Certificate—Penalty.]** § 4. Any

employer, contractor or sub-contractor, or other person, whose employes are to be paid in whole or in part, directly or indirectly from funds raised by taxation, who shall knowingly or negligently make false certificate that said employes are native or naturalized citizens, or have declared their intentions to become citizens for the purpose of drawing such funds or any part thereof, shall be personally liable to the municipality to which such funds belonged for the amount so drawn, and any alien who earns wages, the pay for which is to come out of any such public funds by falsely representing that he is a native or naturalized citizen, or has declared his intention to become a citizen, shall forfeit the amount so earned. Such contract is declared null and void.

**249. Employer to Investigate and Discharge Aliens.]**

§ 5. Whenever any employer, contractor or sub-contractor, by written or oral information, or from any source has reason to believe that he has in his employ persons other than native or naturalized citizens, or those who have in good faith declared their intentions to become citizens, whose pay is to be drawn in whole or in part, directly or indirectly, from such public funds, he shall at once investigate the matter, and if he shall find said information to have been correct, he shall discharge such employe or employes, and a failure to do so shall render him liable to the municipality to which such funds belonged for any of such funds paid to such alien for labor or services performed after such discovery.

**250. Failure to Take Final Papers.] § 6.**

In all cases where an alien, after filing his declaration of intention to become a citizen of the United States, shall, for the space of three months after he could lawfully do so, fail to take out his final papers and complete his citizenship, such failure shall be *prima facie* evidence that his declaration of intentions was not made in good faith.

## 4. ANIMALS.

## Section.

251. What Not to Run at Large.

252. Running at Large—Penalty.

## Section.

253. Taking Up—Penalty—Civil Damages.

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AN ACT to prevent animals from running at large within the corporate limits of incorporated cities, villages and towns.

**251. What Not to Run at Large.]** § 1. That domestic animals of the species of the horse, mule, ass, cattle, sheep, goat or swine, shall not be allowed to run at large within the corporate limits of any corporated city, village or town in this State, any law or ordinance to the contrary notwithstanding.

**252. Running at Large—Penalty.]** § 2. Any owner of any such domestic animal, who shall suffer or allow the same to run at large in any incorporated city, village or town within this State shall be fined in any sum of not less than one dollar nor more than ten dollars for each and every animal so suffered or allowed to run at large, which fine may be recovered before any justice of the peace of the county.

**253. Taking Up—Penalty—Civil Damages.]** § 3. Whenever any such domestic animal shall be found running at large contrary to the provisions of this act, the same may be restrained by any resident of the incorporated city, village or town in which the same is found running at large until the fine and costs are paid, and also all damage done by any such domestic animal so running at large to the property of the person restraining. [Approved June 16, 1891.]



## 5. ANNEXING AND EXCLUDING TERRITORY.

Section.	Section.
254. Annexing Adjoining Cities—Proceeding—Election—Result.	272. What Constitutes a Ward—Election of Aldermen.
255. Annexation of Parts — Proceeding—Election—Result.	273. Sewers May be Built by Special Assessment.
256. Annexation of Part or Whole Submitted Together.	274. Jurisdiction of County Board to Annex Part of City to Town.
257. Payment of Debts—Division of Property.	275. Repeal.
258. Annual Appropriation—Tax Levy.	276. Emergency.
259. Annexation Not to Interfere with Levy.	277. Petition to be Annexed—Annexing.
260. Suits, How Defended and Prosecuted.	278. Annexing One Corporation to Another.
261. Parts Annexed—Debts Apportioned—Public Property.	279. Proceedings by Corporation to Annex Territory—Petition to Circuit Court.
262. Parts Annexed—Tax Apportioned.	280. Notice of Proceedings.
263. Improvement of Streets.	281. Objections to Annexation—Trial.
264. Opening Street or Alley.	282. Finding—Costs, etc.
265. Use of Water Works, Gas or Electric Light System.	283. Proceedings by Owner to be Annexed.
266. Annexation—Proceedings for Division of Property.	284. Proceedings to Disconnect.
267. Transfer of Records, etc.	285. Map and Ordinance Recorded
268. Officer in Detached Portion Hold Over.	286. School Districts.
269. Police Magistrate Hold Until Term Ended.	287. Judicial Notice.
270. Policemen and Firemen Continue as Such in Portion Annexed.	288. Disconnecting Territory.
271. Licensing Dram Shops—Liquor Law.	289. Ordinance Recorded.
	290. Judicial Notice.
	291. Repeal.
	292. Emergency.

AN ACT to provide for the annexation of cities, incorporated towns and villages, or parts of same to cities, incorporated towns and villages. [Approved and in force April 25, 1889.]

**254. Annexation of Adjoining Cities, Etc.—Proceedings—Election—Result.]** § 1. That where any incorporated city, town or village adjoins another incorporated city, town or village it may be annexed thereto in the manner following, that is to say:

A petition shall be presented to the judge of the county court of the county wherein such incorporated city, town or village to which such annexation is sought is situated, asking that the question of annexation be submitted to the legal voters of the city, village or incorporated town sought to be annexed, and the legal voters of the city, village or incorporated town to which it is sought to annex the same. Such petition shall

be signed by not less than two hundred and fifty (250) of the legal voters of the city, village or incorporated town sought to be annexed, unless the votes cast in said city, village or incorporated town at the last preceding general election numbered less than five hundred (500), in which case the petition shall be signed by one-third ( $\frac{1}{3}$ ) of the legal voters of such city, village or incorporated town, and thereupon said county judge shall cause to be submitted the question of annexation to the voters of the incorporated city, town or village sought to be annexed, and to the voters of the incorporated city, town or village to which it is sought to annex the same, at an election to be holden in each of said incorporated cities, towns or villages. Such question may be submitted at either a special election called for that purpose, or at any municipal election, or at any general election. Notice of the election hereby required shall be given by causing notices thereof to be published in said county, in at least one newspaper published in said county, within which said city, village or incorporated town may be, to which territory is sought to be annexed, at least fifteen (15) days before such election, by the clerk of the county court. The ballots cast at such election to be written or printed, or partly written or printed, "For annexation," or "of" (here name the city, village or incorporated town to be annexed) "to" (here name city, village or incorporated town to which annexation is sought) or "Against annexation" "of" (here name city, village or incorporated town to be annexed) "to" (here name city, village or incorporated town to which annexation is sought) respectively, to be received, canvassed and returned the same as ballots for municipal officers of such incorporated cities, towns or villages, and the officers who are charged by law with the duty of canvassing such votes, shall file, or cause to be filed, with the clerk of the county court of such county a certificate of the result of such canvass immediately upon ascertaining the result thereof, and if it shall ap-

pear that a majority of the voters of each incorporated city, town or village so voting upon the question of annexation, at such election vote for annexation, thereupon the jurisdiction of incorporated city, village or town, to which such other incorporated city, village or town is annexed, shall extend over said territory; but if it shall appear that a majority of the voters of any incorporated city, town or village so voting upon the question of annexation when such question is first submitted, vote against annexation, any petition thereafter presented to the judge of the county court, shall be signed by not less than one-eighth of the legal voters of the incorporated city, town or village which is sought to be annexed to an adjoining city, village or incorporated town, so voting against the annexation.

**255. Annexation of Parts—Proceeding—Election—Result.]** § 2. When the inhabitants of any territory not less than one-half square mile in extent, and less than the whole of an incorporated city, village or town, and which territory shall be contiguous to and adjoining the territory of another incorporated city, village or town, desire to be annexed to such other incorporated city, village or town, such annexation may be effected as follows: A petition shall be presented to the judge of the county court wherein such incorporated city, town or village is situated to which annexation is desired, signed by not less than one hundred of the legal voters of the territory sought to be annexed, asking that the question of annexation of the territory described in the petition may be submitted to the legal voters of the city, village or incorporated town, from which said territory is to be taken, and to the legal voters of the city, village or incorporated town, to which it is sought to annex the same. Such territory shall be described in said petition, and thereupon said county judge shall cause to be submitted the question of the annexation of such territory to the voters of the incorporated city, town or village from which it is sought to disconnect territory, and to the

voters of the incorporated city, town or village to which it is sought to annex the same, at an election to be holden in each of said incorporated cities, towns or villages. Such question may be submitted at either a special election called for that purpose, or at any municipal election, or at any general election. Notice of the election hereby required shall be given by causing notices thereof to be published in at least one newspaper published in said county within which said city, village or incorporated town may be, to which territory is sought to be annexed, at least fifteen days before such election, by the clerk of the county court. The ballots cast at such election to be written or printed, or partly written and partly printed "For annexation of" (here describe territory of city, village or incorporated town to be annexed) "to" (here name city, village or incorporated town to which annexation is sought) or "Against annexation of" (here describe territory of city, village or incorporated town to be annexed) "to" (here name city, village or incorporated town to which annexation is sought), respectively to be received, canvassed and returned the same as ballots for municipal officers of such incorporated cities, towns or villages; and the officers who are charged by law with the duty of canvassing such votes shall file, or cause to be filed, with the clerk of the county court of such county, a certificate of the result of such canvass immediately upon ascertaining the result thereof; and if it shall appear that a majority of the voters of each city, village or incorporated town so voting upon the question of annexation at such election vote for annexation, thereupon the jurisdiction of the incorporated city, town or village shall extend over said territory so annexed; but if it shall appear that a majority of the voters of any territory less than the whole of an incorporated city, village or town, so voting upon the question of annexation, when said question is first submitted, vote against annexation, any petition thereafter presented to the judge of the county court for the annexation of the same territory shall be signed

by not less than one-eighth of the legal voters of the territory so voting against annexation.

**256. Annexation of Part or Whole Submitted Together.]** § 3. If petitions are presented to the county judge as prescribed in this act for the annexation of the whole, and also for the annexation of a part or parts of a city, village or incorporated town to a city, village or incorporated town, the said county judge shall submit such questions as petitioned for by each petition, and if at such election the result of the votes shall be against annexation of the whole, but shall be in favor of annexation of a part or parts, and such parts combined as one territory are contiguous to such city, village or incorporated town, or if any such part be contiguous to such city, village or incorporated town, then such contiguous territory shall be annexed the same as though no proposition had been submitted to annex the whole thereof.

**257. Payment of Debts—Division of Property, Etc.]** § 4. The city, village or incorporated town to which the whole of another city, village or incorporated town is annexed under the provisions of this act shall assume and pay any and all debts, liabilities, bonds or obligations and interests thereon of the city, incorporated town or village so annexed, and shall become vested with title and ownership of all property belonging to said city, village or incorporated town so annexed, to be held for the same purposes and for the same uses, subject to the same conditions as theretofore, and if the public schools of such enlarged city, village or incorporated town are all in charge and under the control of one board of education, the said enlarged city, village or incorporated town shall assume and pay the indebtedness of each school district or township lying wholly therein, and shall become vested with the title and ownership of all property belonging to any school district or township lying wholly therein, to be held for the same purposes and to the same uses and subject to the same conditions



as theretofore. If the bonds of said city, village or incorporated town so annexed, or of any school district or township lying wholly therein, have been registered in the office of the State Auditor of Public Accounts, in accordance with the statute, the county clerk shall certify the fact of such annexation forthwith to State Auditor, and said State Auditor shall not thereafter certify any rate per centum to the county clerk, nor shall the county clerk thereafter extend any such rate for the payment of said bonds or interest thereon upon the taxable property of such city, town or village so annexed, or school district or township. All debts, bonds and obligations of the united municipality to be paid by the enlarged city, village or incorporated town. And if there be a portion of a school district or township lying within and a portion lying without such annexed territory, the debts of such school district or township shall be paid and the property divided in the same manner as provided for paying debts and dividing property in section eight (8) of this act, where parts of cities, villages or incorporated towns are annexed to other cities, villages or incorporated towns.

**258. Annual Appropriation—Tax Levy.] § 5.** When the whole of a city, village or incorporated town under the provisions of this act, and the corporate authorities of such city, village or incorporated town so annexed shall have passed an ordinance, termed the annual appropriation ordinance, but not an ordinance levying a tax for the purpose of collecting a sufficient sum of money to defray the total amount of appropriations for all corporate purposes for that fiscal year, then the corporate authorities of the city, village or incorporated town to which such territory is annexed shall have the right to include the amount of such appropriations in the annual tax levy of such city, village or incorporated town, the same as though such appropriations had been made by the city, village or incorporated town to which such other city, village or incorporated town is annexed. The said taxes may be used by



the city, village or incorporated town to which the annexation is had for the purpose for which such appropriation was made by the city, village or incorporated town so annexed.

**259. Annexation [Not to Interfere With the Levy.]**

§ 6. When the whole of an incorporated town, city or village shall be annexed to another city, village or incorporated town it shall not arrest, stay or interfere with any proceedings for the collection or enforcement of any tax, special assessment or special tax, but the same shall proceed and be carried to a finality as though no such annexation had taken place, and the proceeds thereof shall be paid over to the treasurer of the city, village or incorporated town to which such other village, city or incorporated town is annexed, to be used for the purpose for which the tax was levied or the proceedings instituted.

**260. Suits—How Defended and Prosecuted.] § 7.**

All suits pending in any court on behalf of or against any village, city or incorporated town, the whole of which is under the provisions of this act annexed to another city, village or incorporated town, may be prosecuted or defended in the name of the city, village or incorporated town so annexed, and all judgments, fines, decrees or recoveries obtained for on behalf of any village, city or incorporated town so annexed to another may be collected and enforced with like force and effect as though such annexation had not taken place in the name of the city, village or incorporated town so annexed.

**261. Parts Annexed — Debts Apportioned — Public Property.] § 8.**

When a part of the territory of a city, village or incorporated town is taken therefrom and annexed to another city, village or incorporated town, under the provisions of this act, then the proportionate share of any indebtedness, contract or liability of such city, village or incorporated town from which such territory is taken shall be assumed and paid by such enlarged city, village or incorporated town according to the taxable property in such disconnected territory

as the same existed immediately before such annexation; and, if the public schools of such enlarged city, village or incorporated town shall be in charge and control of one board of education, then the proportionate share of any indebtedness of any school district or township shall be assumed and paid by such enlarged city, village or incorporated town, according to taxable property in such part of such disconnected territory within such school district or township as the same existed immediately before such annexation; and, if the whole of a school district or township is annexed, then such municipality shall assume and pay all the indebtedness of such school district or township. The amount of the said indebtedness to be paid by said enlarged city, town or village shall be determined and agreed upon by the city council of the city or trustees of the village or incorporated town to which such territory is annexed, and the city council of the city or trustees of the village or incorporated town from which such territory is taken, or the school authorities of the school district or township of which such disconnected territory was a part, as the case may be, in such manner as they shall elect; if they cannot agree, then the matter shall be determined by the circuit or county court of the county in which such municipal corporation may be to which such annexation is made by petition of either municipal corporation or of any taxpayer of either municipality. The court shall hear and determine the matter in a summary manner, without pleadings, and shall pronounce judgment as the right and equity of the matter may demand. If the respective corporate authorities shall agree as to the amount to be paid by such enlarged city, town or village, then each shall pass an ordinance or a resolution reciting the amount thereof to be paid, a copy of which said ordinance or resolution shall be duly certified by the clerk of the city, village or incorporated town, to which such territory is annexed, and filed with the county clerk of the county wherein such enlarged city, town or village may lie, and by him certified to

the State Auditor of public accounts, and which said ordinance or resolution shall be final and conclusive in all proceedings as to the amount of indebtedness so to be paid. If a judgment or decree shall be entered by a circuit or county court as herein provided, then a certified copy thereof shall be made by the clerk of said court, and filed with the clerk of each of said municipal corporations and with the county clerk, and by the county clerk certified to the State Auditor of public accounts, and such judgment shall be final and conclusive in all proceedings as to the amount of indebtedness to be paid by each municipality. The State Auditor shall not thereafter certify any rate per centum to the county clerk, nor shall the county clerk thereafter extend any rate upon the taxable property of said annexed territory for the payment of any of said bonds or interest thereon so issued by the city, incorporated town or village from which it is disconnected. Said enlarged city, town or village shall be vested with the title and ownership of all the public and school property in such annexed territory, and shall be charged therewith in the division of the public property of such dismembered city, incorporated town or village, or school district, or township, between said municipalities, or between said enlarged city, town or village, and any dismembered school district or township, as the case may be, and the territory not annexed shall be charged with all the public property within such territory, and all the public funds in the hands of the corporate authorities, such division to be agreed upon by the same authorities or settled by the court in the same manner and upon the same basis as above provided for in dividing the indebtedness of said dismembered municipality or school district or township.

**262. Parts Annexed—Tax Apportioned.** | § 9. When a part of a city, village or incorporated town is annexed to another city, village or incorporated town, and before such annexation, the municipal authorities of the city, village or incorporated town from which the territory is detached had

made an annual tax levy, then in such case there shall be paid over to the treasurer of the city, village or incorporated town to which such territory is annexed, the *pro rata* share paid by such territory of said tax levy for said year according to the taxable property therein, as the same existed immediately before such annexation, and charging such territory its proportionate share for the expired part of the fiscal year.

**263. Improvement of Streets, Etc.] § 10.** When a part of a city, village or incorporated town is annexed to another city, village or incorporated town under the provisions of this act, and prior to such annexation proceedings had been instituted for the purpose of improving any streets within such detached portion by special assessment or special taxation, then in such case such proceedings may be carried to a finality, whether the whole improvement be within the detached portion or not. If the whole improvement is to be made within the detached portion, then the amount collected by such proceedings shall be paid over to the city, village or incorporated town to which such territory is annexed, to be used by such city, village or incorporated town for the purpose for which such proceedings were instituted. If only a part of such improvement is to be made within the detached territory, then the city, village or incorporated town from which such territory is detached may proceed with the same as though such annexation had not taken place.

**264. Opening Street or Alley.] § 11.** When a part of a city, village or incorporated town is annexed to another under the provisions of this act, then in that case any proceedings instituted for the purpose of taking land for the purpose of opening any street or alley, or other public way, within the territory so annexed, shall not be arrested or stayed, but the same may proceed to a finality, if the city, village or incorporated town to which such territory is annexed so elect, and all moneys received from any special assessment or tax levied

or assessed for such purpose shall be paid over to the city, village or incorporated town to which such territory is annexed, to be used by it for the purposes for which the same was collected, such proceedings to be continued in the name of the city, village or town from which the territory is detached with like force and effect as though the said territory had not been detached therefrom.

**265. Use of Water Works, Gas or Electric Light System.]** § 12. If a part of a city, village or incorporated town be annexed to any other village, city or incorporated town, then such part of the city, village or incorporated town shall have the same use and benefit of any water works, gas or electric light system owned by such city, village or incorporated town prior to such annexation, on the same terms, conditions and restrictions that it had before such annexation; and on the same terms, conditions and restrictions said territory not annexed may thereafter receive the use and benefit thereof; and if a portion of the territory of any city, village or incorporated town be annexed to another city, village or incorporated town, then the portion of the city, village or incorporated town not annexed shall have the same use and benefit of any water works, gas or electric light system owned by such city, village or incorporated town prior to such annexation on the same terms, conditions and restrictions that it had before such annexation, and on the same terms, conditions and restrictions said territory annexed may thereafter receive the use and benefit thereof. Either part of such village, city or incorporated town receiving such benefit as aforesaid may have its said rights and benefits waived by the city council or board of trustees of the city, village or incorporated town to and from which said territory is annexed and detached, upon such just and equitable terms as they may agree, and if they can not agree, then the matter shall be determined by the circuit or county court of the county within which such city, village or incorporated town to which territory is annexed may



lie, on petition of any person interested therein. Said court shall determine the matter aforesaid in a summary manner and without formal proceedings pronounce judgment as the right and equity of the case may require, and such judgment shall be final and conclusive.

**266. Annexation--Proceedings for Division of Property.]** § 13. When a part of a city, village or incorporated town shall be under the provisions of this act annexed to another city, village or incorporated town, then, in case the municipal authorities of the municipal corporation from which the territory is detached and of the municipal corporation to which it is attached can not by ordinance agree as to the division of the property or the settlement of their respective rights and all matters arising out of said annexation within sixty days thereafter, then the circuit or county court of the county within which either municipal corporation may be, shall hear and determine all matters so in dispute and give judgment or decree as the right of the matter may demand on petition of either municipal corporation, and such judgment shall be final and conclusive.

**267. Transfer of Records, Etc.]** § 14. All public books, papers and documents, when the whole of an incorporated city, town or village is annexed, under the provisions of this act, on file in any office or with any officer thereof, shall be transferred to and filed with the appropriate officer or department of the city, incorporated town or village to which such annexation is made, as the city council or board of trustees thereof, as the case may be, shall direct; and it shall be the duty of all persons having charge of such books, papers and documents to deliver the same to and file the same with the appropriate officer or department as in this section provided.

**268. Officers in Detached Portion Hold Over.]** § 15. When a part of a city, village or incorporated town shall be



annexed to another city, village or incorporated town, and any mayor, president, alderman or trustee, clerk, treasurer or attorney for such municipality from which the territory is detached shall reside in the territory so detached, then he shall continue in office as an officer of such municipal corporation until the next annual municipal election of such city, village or incorporated town, as the case may be.

**269. Police Magistrates Hold Until Term Ended.]**

§ 16. When the whole or any part of such city, village or incorporated town shall be annexed to another city, village or incorporated town under the provisions of this act, then any justice of the peace or police magistrate, duly elected, qualified and acting at the time that annexation shall take effect, shall continue to hold their offices for the terms for which they were respectively elected. All suits, actions, proceedings, complaints, prosecutions and special proceedings which shall be pending in the territory annexed before any justice of the peace, shall be heard and determined as though annexation had not taken place, and the said justices of the peace shall continue to exercise within said territory, the functions of their respective offices until the term thereof shall respectively expire or otherwise sooner be determined, in the same manner as though annexation had not taken place, and the powers and jurisdiction of said justices within said territory, and their fees and emoluments and methods of procedure shall be as though annexation had not taken place. But nothing in this section contained shall authorize any service of process issued by a justice of the peace or police magistrate of the city, village or incorporated town, or give any such justice of the peace jurisdiction outside of the territory to which his jurisdiction was limited before such annexation, or interfere with the jurisdiction of any justice of the peace or police magistrate of the city to which it is annexed over the territory annexed. At the expiration of the term of such justices of the peace or police magistrates, all dockets and books, papers

and files of their respective offices shall be filed and deposited with any justice of the peace of the city, village or incorporated town to which said territory is annexed that the circuit court of the county shall designate by order of the court.

**270. Policemen and Firemen Continue as Such in Portion Annexed.]** § 17. All policemen and firemen lawfully in the employ of any city, village or incorporated town, the whole of which may be annexed to another, as provided in this act, shall be transferred to and become a part of the police and fire department force of such city, village or incorporated town.

**271. Licensing Dram Shops—Liquor Law.]** § 18. When a part or the whole of an incorporated town, village or city is annexed under the provisions of this act, to another city, village or incorporated town, and prior to such annexation an ordinance was in force prohibiting the issuing of licenses to keep dram shops within said territory so annexed, or any part thereof, or providing that such licenses shall not be issued except upon petition of a majority of the voters residing within a certain distance of such proposed dram shops, then such ordinance shall continue in full force and effect, notwithstanding such annexation: *Provided*, the city council or board of trustees, as the case may be, may, on petition of one-fourth of the voters of the territory over which said ordinance extends, submit at an annual municipal election, but not oftener than every other municipal election, the question to the voters of such territory whether or not an ordinance shall be passed authorizing the issuing of dram shop licenses for such territory: *And, provided, further*, that upon petition in such case of one-fourth of the voters within any part of said annexed territory not less than one-half square mile in extent, asking that any such ordinance shall be continued in force in said portion of said annexed territory, said question of issuing dram shop licenses shall be submitted separately to the voters of said portion of said annexed territory, and if a majority of

the voters voting on such question vote against dramshops, then said ordinance shall continue in force in said portion of said territory, otherwise not. The ballots cast at such election shall be written or printed, or partly written and partly printed, "For dramshops," or "Against dramshops," respectively, and shall be received, canvassed and returned the same as ballots cast at said election for municipal officers, and if it shall appear that a majority of the voters so voting upon the question vote "For dramshops," then licenses may be issued for said territory on the same terms and conditions as licenses are granted by ordinance within other parts of the municipality. It is intended by this section to continue in full force and effect all ordinances of any municipality, the whole or part of which is annexed to another city, incorporated town or village, whereby the licensing of dramshops is prohibited or regulated within said city, village or incorporated town, or any part thereof, without the voters of the territory so affected consent, as hereby provided, to the repeal of such ordinance by the city, village or incorporated town to which the territory is annexed.

**272. What Constitutes a Ward—Election of Aldermen.]** § 19. Whenever the whole or a part of any city, village or incorporated town is annexed to a city having 30,000 inhabitants or more, and such annexed territory is three or more square miles in extent, or contains 15,000 inhabitants and not more than 25,000 inhabitants, then such annexed territory shall constitute a ward of the city to which it is annexed, and the city council of such city shall authorize the legal voters of such annexed territory to elect two aldermen from such ward in such annexed territory, which said aldermen from such annexed territory shall be additional aldermen to the number theretofore required in such city, and shall possess all the qualifications of and be elected at the time and in the manner provided by law. *Provided*, that if said annexed territory shall contain more than 25,000 inhabitants, then the city

council shall authorize the legal voters of such annexed territory to elect two aldermen for every 25,000 inhabitants thereof, and two additional aldermen for a fraction of 15,000 inhabitants or more, the number of inhabitants to be determined by the last preceding national, State or school census of such annexed territory, and if any such annexed territory has less than 15,000 inhabitants, and is less than three square miles in extent, then the city council shall annex it to any ward or wards which it adjoins: *Provided further*, that nothing herein shall prevent the city council from re-districting such city according to law.

**273. Sewers May Be Built by Special Assessments.]**

§ 20. When the whole of a city, village or incorporated town, or part of the same, is annexed to another city, village or incorporated town under the provisions of this act, and within such territory so annexed sewers were before such annexation laid or built by special assessment, then in such cases the city, village or incorporated town to which such territory is annexed may continue to lay or build sewers or establish a drainage system by drainage districts within such annexed territory by special assessment or special taxation, if it shall so elect.

**274. Jurisdiction of County Board to Annex Part of City to Town, Etc.]** § 21. Whenever any territory, being a part of a city, village or incorporated town, has been annexed to an adjoining town, which is wholly within the limits of a city, village or incorporated town under the provisions of an act entitled, "An act to amend sections 2, 4, 6, 7, 10, 11 and 12 of article 3 of an act entitled, 'An act to revise the law in relation to township organization, approved and in force March 4, 1874,' approved June 15, 1887, in force July 1, 1887," then and in such cases such territory which has been so annexed may be annexed to and become a part of the city, village or incorporated town within which such town lies to which such territory has been annexed in the manner follow-

ing, viz.: A petition may be presented to the county board of the county within which such city may lie, signed by a majority of the legal voters of the territory so annexed to such town, and thereupon, if said county board shall find that such petition is signed by a majority of the legal voters of said territory, the county board shall thereupon, by resolution, annex such territory to said city, village or incorporated town. And upon such declaration by the county board the limits of said city, village or incorporated town shall thereupon be extended to include the territory annexed to said town: *Provided*, this section shall not be held to prohibit the annexation of such territory in any other manner as provided in this act.

**275. Repeal.]** § 22. All acts and parts of acts in conflict herewith are hereby repealed.

**276. Emergency.]** § 23. Whereas, an emergency exists, therefore this act shall be in force and take effect from and after its passage.

AN ACT to provide for annexing and excluding territory to and from cities, towns and villages, and to unite cities, towns and villages.  
[Approved April 10, 1872. In force July 1, 1872.]

**277. Petition to be Annexed—Annexing.]** § 1. That on petition, in writing, signed by not less than three-fourths of the legal voters, and by the owners of not less than three-fourths (in value) of the property in any territory contiguous to any city or incorporated village or town, and not embraced within its limits, the city council or board of trustees of said city, village or town (as the case may be) may by ordinance, annex such territory to such city, village or town, upon filing a copy of such ordinance, with an accurate map of the territory annexed (duly certified by the mayor of the city or president of the board of trustees of the village or town), in the office of the recorder of deeds in the county where the annexed territory is situated, and having the same recorded therein: *Provided*, that no portion, less than the



whole of an incorporated city, town or village, shall be annexed to another incorporated city, town or village, except in the mode provided in this act for the annexation of the whole of an incorporated city, town or village, to another city, town or village.

**278. Annexing One Corporation to Another.] § 2.**

Any incorporated city, village or town may be annexed to another incorporated city, village or town, by ordinance passed by a two-thirds vote of all the aldermen or trustees elect of each corporation desiring annexation: *Provided*, such annexation shall not affect or impair any rights or liabilities either in favor of or against such corporations; and suits founded upon such rights and liabilities may be commenced, and pending suits may be prosecuted and carried to final judgments and execution, the same as if such annexation had not taken place. In making such annexation, the corporations so uniting may, by ordinance, fix the terms of the annexation, which shall have the force and effect of a binding contract: *Provided, however*, that no such ordinance shall be of any binding force or effect until submitted to a vote of the legal voters of such city, town or village, at a general election thereof, and adopted by a majority of all the voters voting thereon at such election, notice of which shall be given at the same time and in the same manner as required for the election of the officers of such city, town or village: *And, provided, also*, that the vote shall be by ballot, which shall be "for union ordinance," or "against union ordinance," and shall be received, canvassed and returned the same as ballots for municipal officers of such city, town or village.

**279. Proceedings by Corporation to Annex Territory—Petition to Circuit Court.] § 3.**

When any incorporated city, village or town shall desire to annex any contiguous territory thereto, and the same shall not have been petitioned for as provided in section one of this article, it shall be lawful for the city council or board of trustees of such city, village or town,



by a two-thirds vote of all the aldermen or trustees elect, by ordinance or resolution, to authorize the mayor of such city or the president of the board of trustees of such village or town, to petition the circuit court of the county in which the territory desired to be annexed or a major part thereof is situated, praying such annexation to be made. The petition shall contain a copy of such ordinance or resolution, and an accurate map of the territory which it is desired to annex showing all such subdivisions that shall have been made therein. Such petition shall be filed with the clerk of the court at least ten days before the first day of the term at which it is proposed to be heard: *Provided*, that nothing in this section contained shall authorize said petition to be filed unless the territory so sought to be annexed (except territory intervening between a city and town, or two or more cities or towns, desiring to become united under this act,) shall contain an actual resident population of at least one hundred and fifteen inhabitants to each section or fractional part of a section so sought to be annexed—which said fact shall be alleged in said petition and proved on the hearing thereof, the same as any other allegation in said petition.

**280. Notice of Proceedings.]** § 4. When it shall be determined to present such petition, the mayor or president of the board of trustees (as the case may be) shall cause notice of the time and place where and when the petition will be or has been filed, and at what term of court the hearing thereof will be had, and setting forth the boundaries or a general description of the territory proposed to be annexed—to be given by publication at least once in each week, for two successive weeks, in some newspaper published in the county where the petition is filed or to be filed (or, if no newspaper is published in such county, then in the nearest newspaper published in this State), and by posting up notices at least fourteen days before such time of hearing, in at least three of the most public places in the territory proposed to be annexed, and a like

number in the city, village or town to which it is desired to annex such territory.

**281. Objections to Annexation—Trial.] § 5.** The legal voters resident upon the territory thus proposed to be annexed, or any of them, or any owner of land therein, or any voter of such city, village or town, may appear at such hearing and show cause why such annexation should not be made; and the court or a jury impaneled for that purpose (no member of the jury so impaneled shall be a resident of the corporation or territory to be annexed, nor of the town or towns in which said corporation or territory may be situated,) shall hear all competent evidence that may be offered by either party; and the court may continue the hearing from time to time, for any cause, and make all proper orders in regard to the hearing, giving of notices and other disposition of the case.

**282. Finding—Costs, Etc.] § 6.** If, upon the hearing, the court or the jury shall find that such territory ought to be annexed to such city, village or town, and can be so done without injustice to the inhabitants or persons interested, the court shall so order. If the court or jury shall find against the petitioners, the petition shall be dismissed at the cost of the petitioners; and no subsequent petition shall be presented for the annexation of any of the territory embraced in such petition, within one year from the time of entering such order: *Provided*, that new trials may be granted as in other jury cases.

**283. Proceedings by Owner to be Annexed.] § 7.** When not less than a majority in number of the legal voters or the owner or owners of any tract or tracts of land, contiguous to any incorporated city, village or town, shall, by petition, in writing, signed by them, and filed in the circuit court of the county where such territory or a major part thereof is situated, pray to be annexed to such city, village or town,

the like proceedings may be had thereon, and with the like effect, as in case of a petition by a city, village or town: *Provided*, a copy of the notice required to be given shall be left with the mayor of such city, or president of such village or town, at least ten days before such petition is heard.

**284. Proceedings to Disconnect.]** § 8. Whenever a majority of the legal voters of any territory within any city, town or village, and being upon the border and within the boundaries thereof, shall petition the circuit court of the county in which such city, town or village is situated, praying to be disconnected therefrom, such petition shall be filed with the clerk of the court at least ten days before the first day of the term at which it is proposed to be heard, and like proceeding shall be had as is required by sections four five and six of the act for the annexation of such territory to such city, town or village: *Provided*, that the provisions of this section shall only apply to lands not laid out into city or town lots or blocks.

**285. Map and Ordinance Recorded.]** § 9. When any territory is annexed to any city, village or town, as provided in this act, it shall be the duty of the mayor of the city, or the president of the board of trustees of the village or town (as the case may be) to cause an accurate map of such added territory, together with the ordinance for the annexation, certified by such mayor, and if a decree or order of the court has been made therefor, a copy of the same, to be filed for record and recorded in the recorder's office for the county in which such added territory is situated. If territory is disconnected or excluded from any city, village or town, a copy of the ordinance or decree therefor shall be so filed for record and recorded.

**286. School Districts.]** § 10. All school districts, and other corporations incorporated for school purposes, under special acts of the legislature, desiring to annex or disannex territory, may proceed under the provisions of this act.

**287. Judicial Notice.] § 11.** All courts in this State shall take judicial notice of cities, towns and villages, and of the change of their territory, made under the provisions of this act.

AN ACT in relation to the disconnection of territory from cities and villages. [Approved and in force May 29, 1879.

**288. Disconnecting Territory.] § 1.** That whenever the owners representing a majority of the area of land of any territory within any city or village, and being upon the border and within the boundary thereof, and not laid out into city or village lots or blocks, shall petition the city council of such city, or the trustees of such village, praying the disconnection of such territory therefrom; such petition shall be filed with the city clerk of such city, or the president of the trustees of such village, accompanied with a certificate of the county clerk, showing that all city taxes or assessments due up to the time of presenting such petition are fully paid, at least ten days before the meeting of such city council, or trustees, at which it is proposed to present such petition, and the city clerk of such city, or president of the trustees of such village, shall present such petition to the city council or trustees, as the case may be, and upon such presentation, the city council of such city or trustees of such village may, by ordinance, to be passed by a majority of the members elected to such city council or board of village trustees, disconnect the territory described in such petition from such city or village: *Provided, however,* that the territory so disconnected, shall not thereby be exempted from taxation, for the purpose of paying any indebtedness contracted by the corporate authorities of such city or village, while such territory was within the limits thereof, and remaining unpaid, but the same shall be assessed and taxed for the purpose of paying such indebtedness, the same as if such territory had not been disconnected, until such indebtedness is fully paid.

**289. Ordinance Recorded.]** § 2. A copy of the ordinance disconnecting territory from any city or village, certified by the clerk of such city, or president of the trustees of such village, shall be filed for record and recorded in the recorder's office of the county in which such disconnected territory is situated, and another copy of such ordinance, so certified, shall be filed with the clerk of the county court of the county in which such disconnected territory is situated.

**290. Judicial Notice.]** § 3. All courts in this State shall take judicial notice of cities and villages, and of the changes made in their territory, under this act.

**291. Repeal.]** § 4. All acts and parts of acts in conflict with this act are hereby repealed.

**292. Emergency.]** § 5. (Clause omitted.)

## 6. BONDS—MUNICIPAL.

### Section.

- 293. New Bonds May be Issued in Place of Old Ones.
- 294. Valuation of Taxable Property Indorsed on Bond.
- 295. Election—Notice.
- 296. Registration.
- 297. Auditor to Certify Rate Required.
- 298. State Custodian — Collection — Payment.

### Section.

- 299. How Money Disbursed.
- 300. When Registered Bonds Mature and are Not Paid.
- 301. Entry on Payment.
- 302. Fees—Collector's Bond.
- 303. Bonds—By Whom Executed.
- 304. New Bonds for Old Indebtedness.

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AN ACT to amend an act, approved April 27, 1877, entitled "An act to amend an act entitled an act relating to county and city debts, and to provide for the payment thereof, by taxation, in such counties and cities, approved February 13, 1865, and to amend the title thereof." [Approved June 4, 1879. In force July 1, 1879.

**293. New Bonds May be Issued in Place of Old Ones.]**  
 § 1. That in all cases where any county, city, town, township, school district, or other municipal corporation, has issued bonds or other evidences of indebtedness, for money, or has contracted debts, which are the binding, subsisting legal obli-



gations of such county, city, town, township, school district, or other municipal corporation, and the same, or any portion thereof, remain outstanding and unpaid, it shall be lawful for the proper corporate authorities of any such county, city, town, township, school district, or other municipal corporation, upon the surrender of any such bonds or other evidences of indebtedness, or any number or portion thereof, to issue, in lieu or place thereof, to the owners or holders of the same, new bonds prepared as hereinafter directed, and for such amounts, upon such time not exceeding twenty years, payable at such place, and bearing such rate of interest, not exceeding seven per centum per annum, as may be agreed upon with the owners or holders of such outstanding bonds or other evidences of indebtedness: *Provided*, that bonds issued under this act, to mature within five years from their date, may bear interest not to exceed eight per cent. per annum. And it shall also be lawful for the proper corporate authorities of any such county, city, town, township, school district, or other municipal corporation, to cause to be thus issued, such new bonds, and sell the same to raise money to purchase or retire any or all of such outstanding bonds or other evidences of indebtedness; the proceeds of the sales of such new bonds to be expended, under the direction of the corporate authorities aforesaid, in the purchase or retiring of the outstanding bonds or other evidences of indebtedness of such county, city, town, township, school district, or other municipal corporation, and for no other purpose whatever. All bonds or other evidences of indebtedness, issued under the provisions of this act, shall show upon their face that they are issued under this act, and the purpose for which they are issued, and shall be of uniform design and style, throughout the State, to be prescribed by the State auditor, whose imperative duty it shall be to devise and prepare such uniform style and draft adapted to the classes of bonds herein provided for, namely: The first class to consist of bonds, of which only the interest is payable an-



nually; the second class to consist of those of which the interest and five per centum of the principal are to be paid annually, and the third class to consist of a graduated series, the first grade, made payable, principal and interest, at the end of one year from the date of issue; the second, at the end of two years, and thus to the end of the series, the class to be issued being at the option of the legal voters expressed as herein provided. In any case, the new bonds, or other evidences of indebtedness, authorized to be issued by this act, shall not be for a greater sum in the aggregate, than the principal and accrued or earned interest unpaid of such outstanding bonds or other evidences of indebtedness. And when such new bonds, or other evidences of indebtedness, shall have been issued, in order to be placed on the market and sold to obtain proceeds with which to retire outstanding bonds, or other evidences of indebtedness, it shall be the duty of the State auditor, on the request of the corporate authorities issuing them, and at the expense of the corporation in whose behalf the issue is thus made to negotiate the same, at not less than par value, and on the best terms which can be obtained: *Provided*, always, that any such county, city, town, township, school district or other municipal corporation issuing bonds under the provisions of this act, may, through its corporate authorities duly authorized, negotiate, sell or dispose of said bonds, or any part thereof, at not less than their par value, without the intervention of the Auditor of State: *And, provided, further*, that no new bonds, or other evidences of indebtedness, shall be issued under this act, unless the same shall be first authorized, as hereinafter provided, by a vote of a majority of the legal voters of such county, city, town, township, school district, or other municipal corporation voting at some general election, or special election held for that purpose.

**294. Valuation of Taxable Property Indorsed on Bond.] § 2.** In all cases where any county, city, town, township, school district, or other municipal corporation shall

issue any bonds or evidences of indebtedness, under this act, it shall be the duty of the county clerk of such county, or other officer to whom, or to whose office, the assessment rolls for State taxation of the property within such county, city, town, township, school district or other municipal corporation, are or shall be returnable, within five days after the total value of the property subject to taxation therein shall be returned to him, to make out and transmit to the auditor of public accounts, to be filed in his office, a certificate setting forth the total value of all taxable property, of every nature and description, within such county, city, town, township, school district or other municipal corporation, as exhibited by such assessment. And it shall be the duty of the auditor of public accounts to place on the back of all new bonds, or other evidences of indebtedness issued under the provisions of this act, a certificate setting forth an aggregate statement of the amount of valuation of the taxable property of the municipal corporation issuing such new bonds, or other evidences of indebtedness; said certificate specifically distinguishing the value of real estate and personal property, and being based on the return provided for in this section, or, if there should be no such return made by the county clerk to the State auditor, then based on an affidavit made by the officials of the corporation issuing the bonds.

**295. Election—Notice.] § 3.** It shall be lawful for the corporate authorities of any such municipal corporation, or officers authorized by law to call elections therein, on the petition of ten legal voters, resident therein, to submit to the voters thereof, at any general or special election, the question of issuing bonds under this act, by posting a notice in ten of the most public places therein, and by publishing the same in the nearest newspaper, twenty days before said election, which notice shall state the number and amount of bonds proposed to be issued; the kind or class thereof as specified in the first section of the act of 1865 as hereby amended, and as also amended by the said act of 1877; the amount of each; the

rate of interest, under the limitation of this amendatory act; when and where payable; for what purpose issued, and the time and place when and where said election will be held. And upon like petition and notice it shall be lawful for such corporate authorities, or officers, to submit the question of issuing bonds under this act, at a special election, which shall be held and conducted in like manner as other elections therein. The ballots shall read "For issuing the bonds," or, "Against issuing the bonds." If a majority of the votes cast be for issuing the bonds, the same shall be issued in conformity to the specifications of said notice. Nothing contained in this act, or in the acts to which this is an amendment, shall be held to repeal, or in any wise effect the power of the city of Chicago, to issue new bonds of said city conferred by an act of the General Assembly, approved February 13, 1865, amending the charter of said city, nor to, in anywise affect any other law which authorizes municipal corporations to issue bonds, or other evidences of indebtedness, and which does not provide for the registration thereof.

**296. Registration.]** § 4. Upon the surrender of any bond or other evidence of indebtedness, under this act, the same shall be endorsed canceled, and shall from time to time, be destroyed, under the direction of the authority issuing the same. Upon the issuing of any new bond, or evidence of indebtedness, the clerk, or other officer having custody of the records of the fiscal matters of such county, city, town, township, school district or other municipal corporation, as the case may be, shall make registration thereof, in a book to be kept in his office for that purpose, showing the date, amount, number, class, date of maturity, rate of interest and place of payment of such new bond, or other evidence of indebtedness, and the description of the bond or evidence of indebtedness, for which, or for the purchasing or retiring of which, the same was given, as nearly as practicable. On presentation of any such new bond or evidence of indebtedness, issued under this

act, at the officer of the Auditor of Public Accounts, for registration, the said Auditor shall cause the same to be registered in his office, in a book to be kept for that purpose; such registration shall show the date, amount, number, class, date of maturity, rate of interest, time when such interest is payable, and place of payment of the principal and interest of such bond or other evidence of indebtedness, under what act, by what authority, for what purpose and by what county, city, town, township, school district, or other municipal corporation issued, and the name of the person or persons, presenting the same for registration, and for such registration the Auditor shall be entitled to a fee of twenty-five cents, and the Auditor shall, under his seal of office, certify upon such bond the fact of such registration for which the Auditor shall be entitled to a fee of twenty-five cents, such fees to be paid by the person or persons desiring such registration and certificate. No bonds issued under this act shall be entitled to registration in the office of the State Auditor, until a sworn certificate shall have been filed with him, showing that all the requirements of this act, have been fully complied with, in their issue. In the case of county bonds, such affidavits shall be made by the chairman of the county board. In case of township bonds, by the supervisor of such township. In case of city bonds, by the mayor of such city; in case of town or village bonds, by the chairman of the town or village board; and in case of school district bonds, by each of the directors of such school district. Said certificate shall set forth the date of the election at which the people authorized the issuance of the bonds, and shall state the class, date, number, amount, rate of interest and date of maturity of the bonds, the aggregate equalized value of real property, and the aggregate equalized value of personal property assessed in such locality, for the previous year, together with any other information in relation thereto, which may be demanded by the Auditor of Public Accounts.

**297. Auditor to Certify Rate Required.] § 5.** When the bonds or other evidences of indebtedness, of any county, city, town, township, school district or other municipal corporation, shall be so registered, the auditor of public accounts shall annually ascertain the amount of principal and interest due and accrued, and to accrue, for the current year, on all such bonds and evidences of indebtedness, so registered in his office, and shall upon the basis of the certificate of the valuation of property to be transmitted to him, as aforesaid, or, in case no such certificate shall be transmitted to him or filed in his office, then upon the basis of the total valuation of the property in such county, city, town, township, school district or other municipal corporation, for the year next preceding, estimate and determine the rate per centum, upon the valuation of such property, requisite to meet and satisfy the said interest, or interest and principal, as the case may be, together with the ordinary cost to the State, of the collection and disbursement of the same, to be estimated by the Auditor and State Treasurer, and shall make and transmit to the county clerk of such county, or in the county in which such city, town, township, school district, or other municipal corporation is situated, or to the officer or authority whose duty it is, or may be, to prepare the estimates and books for the collection of State taxes in such county, city, town, township, school district or other municipal corporation, a certificate setting forth such estimated requisite per centum for such purposes, to be filed in his office; and the said per centum shall thereupon be deemed added to and a part of the per centum which is or may be levied, or provided by law, for the purposes of State revenue, and shall be so treated by such clerk, officer or authority in making such estimates and books for the collection of State taxes; and the said taxes shall be collected with the State taxes, and all laws relating to the State revenue shall apply thereto, except as herein otherwise provided: *Provided*, that it shall be lawful for the county collector at any time before set-



tlement with the State Treasurer to pay from such taxes, any coupons that are due for interest that may be presented for payment, and to pay from any surplus, not required for interest purposes, the principal of any such bond that may be presented for payment, whether due or not, and in settlement with the State Treasurer the county collector shall be credited with such paid coupons and bonds the same as money.

**298. State Custodian—Collection—Payment.] § 6.** The State shall be deemed the custodian only of the tax so collected, and shall not be deemed, in any manner, liable on account of such bonds, or other evidences of indebtedness; but the tax and funds so collected shall be deemed pledged and appropriated to the payment of the principal and interest of the registered bonds, and evidences of indebtedness, to satisfy which, the same is hereinbefore provided to be collected, as aforesaid, and such new bonds and evidences of indebtedness, issued under the authority hereof, shall be deemed secured and provided for, in virtue and faith hereof, until fully satisfied. The State shall, annually collect and apply the said fund to the satisfaction of the interest, or interest and portion of the principal, as the case may be, of such registered bonds, or evidences of indebtedness, of any such county, city, town, township, school district, or other municipal corporation, to the extent the same is herein contemplated to be derived from such tax, in the same manner as the interest on the bonds of the State is, or may be collected, or paid, and in like moneys as shall be receivable in payment of State taxes; and moneys so paid upon the principal of any such bonds, or evidences of indebtedness, shall be endorsed thereon, and due receipts therefor shall be taken and filed in the office of the Auditor of Public Accounts, or State Treasurer, and interest coupons, or bonds or other evidences of indebtedness, so paid, shall be returned to one of said officers, and shall be cancelled and returned to the corporate authorities of the municipality which issued the same, in the manner now provided by law.



**299. How Money Disbursed.] § 7.** The state may, out of such fund, first retain or satisfy the ordinary cost to the State, of the collection and disbursement thereof; and in case of the non-presentment of any such bond, or evidence of indebtedness, or interest coupon of any such county, city, town, township, school district, or other municipal corporation, for payment, at the times and when and where the interest on the State debt is, or may be paid, then, on the beginning of the next year, the moneys by reason thereof undisbursed, together with any surplus for any cause remaining, shall be carried to the fund of such county, city, town, township, school district or other municipal corporation of the current or ensuing year, and be considered by the auditor in making his next estimate for taxation therein for such year under this act, and shall be applied accordingly. All laws relating to the payment of interest on the State debt, or the cancellation of the evidences thereof, not inconsistent with this act, shall apply to the receipt, custody and disbursement of the taxes and funds provided by this act.

**300. When Registered Bonds Mature and are Not Paid.] § 8.** Upon the maturity of such registered bond, or other evidence of indebtedness, and the non-payment thereof by the county, city, town, township, school district, or other municipal corporation issuing the same, the holder thereof may cause the same to be registered in the office of the auditor, as a matured or unsatisfied bond, or evidence of indebtedness, and thereupon, for the purpose of providing for the payment of the principal thereof, at the rate of five per centum of such principal, annually, and of the interest thereon in arrear, and for the current year to accrue, together with the cost to the State of the collection and disbursement thereof, as aforesaid; the same proceedings in all respects, shall be had as is hereinbefore provided, for the payment of the interest on such bonds and evidences of indebtedness, by the collection of an annual tax sufficient for the purposes in the section contemplated; and

the same shall be collected and applied, as aforesaid, to such purpose, from year to year, until the full satisfaction thereof, when such bonds or evidences of indebtedness shall be canceled and returned, as hereinbefore provided.

**301. Entry of Payment.]** § 9. Upon the payment of any such registered bond, or evidence of indebtedness, and presentation thereof to the auditor, he shall cause due entry thereof to be made in his office.

**302. Fees—Collector's Bond.]** § 10. There shall be allowed to the officers collecting and paying over the taxes authorized to be collected under the provisions of this act, the same fees, or compensation, as is or may be allowed by law for collecting and paying over State taxes, and where such tax is levied, the bonds of the collectors thereof shall be increased in proportion to the estimated amount of such tax to be collected.

**303. Bonds—By Whom Executed.]** § 11. All bonds issued under this act shall be executed on behalf of the municipalities issuing the same by the following named officers, viz.: On behalf of counties under the township organization laws of this State, by the chairman of the board of supervisors and the clerk of the county court attesting the same with his signature and official seal. On behalf of counties not under township organization, by the acting chairman of the board of county commissioners, together with the clerk of the county court attesting the same with his signature and official seal. On behalf of cities, by the mayor and city clerk, together with the seal of the city on behalf of towns organized under the township organization law of this State, by the supervisor or supervisors of such town (as the case may be) and the town clerk of such towns. On behalf of all other municipalities hereinbefore mentioned, by the president, chairman or chief executive officer thereof, together with the clerk or secretary thereof: *Provided*, that nothing herein contained shall be so

construed as to authorize the officers herein mentioned to issue bonds under this act except upon a majority vote of the voters as hereinbefore provided. [Added by amendment approved May 28, 1879. In force July 1, 1879.

AN ACT to enable counties, cities, townships, school districts, and other municipal corporations, to take up and cancel outstanding bonds and other evidences of indebtedness, and fund the same. [Approved and in force March 26, 1872.

**304. New Bonds for Old Indebtedness.] § 1.** That in all cases where any county, city, town, township, school district, or other municipal corporation, have issued bonds or other evidences of indebtedness, for money, on account of any subscription to the capital stock of any railroad company, or on account of, or in aid of any public buildings or other public improvement, or for any other purposes which are now binding or subsisting legal obligations against any county, city, town, township, school district, or other municipal corporations, and remaining outstanding, and which are properly authorized by law, the proper authorities of any such county, city, town, township, school district or other municipal corporations may, upon the surrender of any such bonds, or other evidences of indebtedness, or any number thereof, issue in place or lieu thereof to the holders or owners of the same, new bonds or other evidences of indebtedness, in such form, for such amount, upon such time, not exceeding the term of twenty years, and drawing such rate of interest, *not exceeding ten per cent.*, as may be agreed upon with such holders or owners; and such new bonds or other evidences of indebtedness, so issued, shall show on their face that they are issued under this act: *Provided*, that the issue of such new bonds in lieu of such indebtedness shall first be authorized by a vote of a majority of the legal voters of such county, city, town, township, school district, or other municipal corporation, voting either at some annual or special election of such municipal corporation: *And provided further*, that such bonds, or other

evidences of indebtedness, shall not be issued so as to increase the aggregate indebtedness of such municipal corporation beyond five per centum on the value of the taxable property therein—to be ascertained by the last assessment for State and county taxes, prior to the issuing of such bonds or other evidences of indebtedness. Nothing contained in this act, or in the act to which this is an amendment, shall be held to repeal or in anywise affect the power of the city of Chicago to issue new bonds to an amount sufficient to retire and satisfy maturing bonds of said city, conferred by section 38 of an act of the general assembly, approved February 13, 1863, amending the charter of said city. [As amended by act approved April 14, 1875. In force July 1, 1875.]

## 7. BRIDGES AND FERRIES.

### Section.

305. May Construct and Maintain.

306. Control by City.

### Section.

307. Penalty for Fast Driving.

AN ACT to amend section one (1) of an act entitled "An act to enable cities and villages to build, acquire and maintain bridges and ferries outside of their corporate limits, and to control the same," approved and in force May 5, 1879. [Approved May 25, 1881. In force July 1, 1881.

**Amendment.]** § 1. That section one (1) of an act entitled "An act to enable cities and villages to build, acquire and maintain bridges and ferries outside of their corporate limits, and control the same," approved May 5, 1879, be and is hereby amended so as to read as follows:

**305. May Construct and Maintain.]** § 1. That it shall be lawful for any city or village within this State to build, or acquire by purchase, lease or gift, and to maintain ferries and bridges, and the approaches thereto, for each ferry or bridge within the corporate limits, or at any point within five (5) miles of the corporate limits of such city or village.

That all such ferries and bridges shall be free to the public, and no toll shall ever be collected by any such city or village authority: *Provided*, that where any city or village has become or is the owner of any toll bridges or ferries, and is keeping up and maintaining the same by authority of law, all ownership and rights vested in such city or village shall continue in, and be held and exercised by them, and they may, from time to time, fix the rates of toll on such bridges and ferries: *And provided further*, that in all cases where a bridge shall hereafter be built or a ferry acquired across a navigable stream by any city or village, in whole or in part, where the population of such city or village furnishing the principal part of the expenses thereof shall not exceed five thousand (5,000) inhabitants, and where it is necessary to maintain a draw and lights, and a debt shall be incurred by such city or village for such purpose, then a reasonable toll may be collected by the city or village contracting such indebtedness, to be set apart and appropriated to the payment of such indebtedness, interest thereon, and the expenses of keeping such bridge in repair, and of maintaining, opening and closing the proper draws therefor, and lights; or in case of a ferry, of keeping the approaches and boat in repair and operating the same.

**306. Control by City.]** § 2. Every bridge and ferry so owned or controlled by such city or village, and the approaches thereto, when outside the corporate limits, shall be subject to the municipal control and ordinances of such city or village, the same to all intents and purposes, and in effect as though such bridge or ferry and the approaches thereto, were situated within the corporate limits of such city or village, and in such case, the county may assist in the construction of said bridge, as is now provided by law.



AN ACT to regulate the manner of travel upon bridges, the whole or a part of which are owned or controlled by cities, villages and towns of this State, and to provide for the enforcing of the same. [Approved and in force May 13, 1879.]

**307. Penalty for Fast Driving, Etc.] § 1.** That whoever shall ride or drive faster than a walk, over any bridge in this State, owned or controlled, either the whole or a part thereof, by any city, village or town of this State, shall, for each offense, be fined in a sum not exceeding ten dollars nor less than one dollar: *Provided*, that a notice shall be posted on such bridge, warning against riding, or driving, on such bridge faster than a walk, such fine to be recovered, with costs, before any justice of the peace or police magistrate of the county where the offense is committed, upon sworn complaint in writing, upon which a warrant for the arrest of the offender shall issue, and it shall be the duty of every constable of the county, and every marshal, policeman and police constable, and all other officers of such city, village or town, owning or controlling the whole or in part such bridge, having the power to make arrests, whenever aforesaid offense is committed in the view of such officer or officers, to forthwith take in custody the person or persons so committing aforesaid offense, and bring him or them before any justice of the peace or police magistrate of the county, to be dealt with according to law, and such officer so taking in custody such offender, or any officer of such city, village or town, owning or controlling the whole or a part of such bridge where such offense is committed, may make the complaint upon which warrant shall issue against the offender, all fines collected under this act, shall be paid into the common school fund of the county. WHEREAS, the law is inadequate for the protection of bridges which are owned or controlled, the whole or a part thereof, by cities, villages and towns of this State, therefore an emergency exists, and this act shall take effect from and after its passage.

## 8. CEMETERIES.

Section.	Section.
308. When Cemetery May be Removed—Expense.	311. When Land Leased or Sold for Cemetery Purposes.
309. Power of City to Establish.	312. Control by Corporate Authorities.
310. Power of Two or More Cities to Establish Jointly.	

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AN ACT to provide for the removal of cemeteries. [Approved April 24, 1873. In force July 1, 1873.]

**308. When Cemetery May be Removed—Expense.]**

§ 1. That whenever any cemetery shall be embraced within the limits of any town or city, it shall be lawful for the corporate authorities thereof, if, in their opinion, any good cause exists why such cemetery should be removed, to cause the remains of all persons interred therein to be removed to some other suitable place: *Provided*, said corporate authorities shall have first obtained the assent of the trustees or other persons having the control or ownership of said cemetery, or a majority thereof: *And, provided, further*, that when such cemetery is owned by one or more private parties, or private corporation or chartered society, the corporate authorities of such town or city may require the removal of such cemetery to be done at the expense of such private parties, or private corporation or chartered society, if such removal be based upon their application.

AN ACT to amend an act entitled “An act to enable cities and villages to establish and regulate cemeteries” approved, March 24, 1874, amended by an act approved May 25, 1877, in force July 1, 1877. [Approved and in force June 14, 1883.]

That an act entitled “An act to enable cities and villages to establish and regulate cemeteries” approved March 24, 1874, and amended by an act approved May 25, 1877, be, and the same is so amended, as to read as follows:

**309. Power of City to Establish.]** § 1. That any city, village or township in this State may establish and maintain

cemeteries, within and without its corporate limits, and acquire lands therefor, by condemnation or otherwise, and may lay out lots of convenient size for families; and may sell lots for family burying ground, or to individuals for burial purposes.

**310. Power of Two or More Cities to Establish Jointly.** | § 2. That any two or more cities, villages or townships in this State may jointly unite in establishing and maintaining cemeteries within and without the corporate limits of either, and acquire lands therefor in common, by purchase, condemnation or otherwise, and may lay out lots of convenient size for families, and may sell lots for family burying ground or to individuals for burial purposes.

AN ACT to enable the mayor and aldermen of certain cities to lease or convey real estate. [Approved April 15, 1875. In force July 1, 1875.

**311. When Land Leased or Sold for Cemetery Purposes.]** § 1. That in all cities of which the mayor and aldermen have heretofore been incorporated by any special act, as a cemetery association or body politic, it shall be lawful, a majority of their number assenting thereto, for such association or body politic, to demise for a term of years, or to convey in perpetuity and real estate which it may have acquired by purchase or otherwise; and the real estate so conveyed shall be devoted exclusively for burial or cemetery purposes by the grantee or lessee thereof.

AN ACT in relation to the control of public graveyards. [Approved May 29, 1879. In force July 1, 1879.

**312. Control by Corporate Authorities.]** § 1. That public graveyards in this State, not under the control of any corporation, sole organization or society and located within the limits of cities, villages, town, townships, or counties not under township organization, shall and may be controlled or vacated by the corporate authorities of such city, village, town, town-

ship or county, in such manner as such authorities may deem proper, and in the case of towns, such control may be vested in three trustees, to be elected annually by the voters of such town at the annual town meeting therein.

## 9. CHANGING NAME.

### Section.

- 313. Petition.
- 314. Proceedings.
- 315. Duties of Secretary of State.
- 316. Time of Hearing.
- 317. Hearing Petition and Remonstrance.

### Section.

- 318. Order Filed with Secretary of State—  
Notice.
- 319. Rights Saved.
- 320. When Change Void.
- 321. Name of Unincorporated Town, etc.

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AN ACT to enable any city, town or village in this State to change its name. [Approved March 7, 1872. In force July 1, 1872.]

**313. Petition.] § 1.** That whenever a petition, signed by the qualified electors of any city, incorporated town or incorporated village of this State, equal in number to one-half of those who voted for the officers therein at the last election, shall be presented to the corporate authorities of such city, town or village, praying that the name of such city, town or village may be changed, it shall be lawful for such corporate authorities to make such change in the manner hereinafter prescribed.

**314. Proceedings.] § 2.** Previous to the presentation of the petition in the preceding section mentioned, the name proposed to be given to such city, town or village shall be filed in the office of the secretary of State, to be there retained for the period of at least sixty days, and, upon application, the secretary of State shall, at any time after the filing of such name, grant a certificate, stating that such name has not been given to any other city, incorporated town, or incorporated village, or municipality in this State, if such be the fact; but if such name has been adopted by any other city, town, village or municipality, as appears from information in his office, the secretary of State shall so notify the party or parties making

such application, in which case another name shall be filed in his office, which name shall likewise remain for the like period of sixty days; and no petition shall be acted upon by said corporate authorities unless accompanied by the certificate of the secretary of State, setting forth that such name has not been adopted elsewhere in this State.

**315. Duties of Secretary of State.] § 3.** The secretary of State shall, as soon as practicable after the passage of this act, communicate with the clerks of the several counties of this State, and ascertain the names of all the cities, towns, villages or other municipal corporations therein, and arrange such names in alphabetical order for convenient reference. Such lists of names shall be kept filed in his office, and shall be changed whenever a change of name shall be effected under the provisions of this act.

**316. Time of Hearing to be Fixed—Notice.] § 4.** At any meeting of the corporate authorities of any city, incorporated town or incorporated village, after the presentation of the petition herein provided, such corporate authorities shall fix the time when such petition shall be considered, and order notice of the presentation thereof to be given, by publishing such notice for three successive weeks in some newspaper having a general circulation in such city, town or village. Such notice shall state that a change of the name of such city, town or village has been prayed for, and the time when action on said petition will be had, at which time remonstrances, if any, will be heard.

**317. Hearing Petition and Remonstrances.] § 5.** At the time fixed in the notice provided for in the preceding section, or if, from any cause, action thereon is not taken, such petition praying for a change of name shall be, with all remonstrances, heard at any subsequent meeting of the corporate authorities of any such city, town or village; and if said corporate authorities are satisfied that such change of name is



necessary and proper, they shall thereupon make an order changing the name of such city, town or village, and adopting the name prayed for in such petition.

**318. Order Filed With Secretary of State—Notice.]**

§ 6. If said change of name is made, said corporate authorities shall cause a copy of the order making such change to be filed in the office of the secretary of State, who shall thereupon make known the fact of such change by publication in some newspaper of the county in which such city, town or village is situated, and also in some newspaper in the city of Chicago; and all the courts of this State shall take judicial notice of the change thus made.

**319. Rights Saved.]** § 7. Nothing in this act contained shall affect the rights or privileges of such city, town or village, or those of any person, as the same existed before such change of name. And all proceedings pending in any court or place in favor of or against said city, town or village, may be continued to final consummation under the name in which the same was commenced.

**320. When Change Void.]** § 8. If the name of any such city, town or village shall be changed contrary to or without complying with the provisions of this act, such change shall be void; and all proceedings instituted or acts done in such name as changed, shall be void and held for naught in the courts of this State.

**321. Name of Unincorporated Town, Etc.]** § 9. When the plat of any unincorporated town or village shall be placed upon record in any county of this State, the circuit court of said county shall have power, at any regular term of said court, to change the name of such unincorporated town or village, upon the petition of a majority of the legal voters residing within the limits of such town or village: *Provided*, notice of the proposed change of name shall be filed in the office of the secretary of State, as provided in section two of this act.

## 10. CITY COURTS.

## Section.

- 322. Style of Court—Jurisdiction.
- 323. Seal.
- 324. Place of Holding.
- 325. Stationary.
- 326. Election and Qualification of Judges  
—Powers—Vacancy.
- 327. Exchanges, Etc.
- 328. Clerks.
- 329. Duties of Sheriff—State's Attorney.
- 330. Master in Chancery.
- 331. Terms of Court.
- 332. Adjournments.
- 333. Appeals to—Certiorari.
- 334. Recognizances—City Prison, Etc.

## Section.

- 335. Venue.
- 336. Writs — Orders — Judgments — Lien  
After Transcript Filed in Circuit  
Court.
- 337. Transcript Book.
- 338. Transcript Fees.
- 339. Appeals—Error.
- 340. Fees of Jurors—How Paid.
- 341. Courts Continued.
- 342. Courts—How Established.
- 343. Election of Judges and Clerk.
- 344. Salary.
- 345. Prosecuting Attorney—Salary.

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AN ACT in relation to courts of record in cities. [Approved March 26, 1874. In force July 1, 1874.]

**322. Style of Court—Jurisdiction.] § 1.** The several courts of record now existing in and for cities, and such as may hereafter be established by law, in and for any city in this State, shall severally be styled “The City Court of (name of city),” and shall have concurrent jurisdiction with the circuit courts within the city in which the same may be, in all civil cases and in all criminal cases except treason and murder, and in appeals from justices of the peace in said city; and the course of proceedings and practice in such courts shall be the same as in the circuit courts so far as may be.

**323. Seal.] § 2.** Such courts shall have a seal, and may, from time to time, as may be necessary, renew the same; the expense of such seal, and renewing the same, shall be paid by the city in which such court is or may be established.

**324. Place of Holding.] § 3.** Such court shall be held at such place in said city as may be provided by the corporate authorities thereof; but if such place shall become unfit, or if no place shall be provided by such authorities, the court may, by an order to be entered of record, adjourn to or convene at

a suitable place for the holding of a court within said city, and at such place may hold said court until a suitable place therefor be furnished by such corporate authorities, the expense whereof shall be borne by said city.

**325. Stationery.]** § 4. All blanks, books, papers, stationery and furniture necessary to the keeping of a record of the proceedings of such a court, and the transaction of the business thereof, shall be furnished the officers of such court by the corporate authorities, at the expense of the city.

**326. Election and Qualification of Judges—Powers—Vacancy.]** § 5. The judges of such courts, respectively, shall be elected by the qualified voters of such city in the same manner that the city officers of such city are elected, but not at the same time, and shall hold their offices for the term of four years, and until their successors are elected and qualified. They shall qualify and be commissioned in the same manner, be vested with the same powers and perform the same duties as circuit judges, and be styled "Judge of the City Court of (name of city)." Vacancies in such office shall be filled for the unexpired term, at a special election, to be called and held by the same authority and in the same manner that other city elections may be held, where such unexpired term exceeds one year; but where the same does not exceed one year, such vacancy shall be filled by appointment by the governor.

**327. Exchange, Etc.]** § 6. Such judges, with like privileges as circuit judges, may interchange with each other, and with the judges of circuit courts, and may hold court for each other, and perform each other's duties when they find it necessary or convenient.

**328. Clerks.]** § 7. There shall be elected, in like manner as judges are elected, for each of such courts, a clerk, who shall hold his office for the term of four years, and until his successor shall be elected and qualified. He shall be commissioned, have the same powers, perform the same duties, be

subject to the same liabilities, and be entitled to like fees as are now, or may hereafter, from time to time, be provided by law in regard to circuit clerks, in the county in which such city may be situate. Vacancies in such office shall be filled, for the unexpired term, at a special election, to be called and held by the same authority and in the same manner that other city elections may be held, where such unexpired term exceeds one year; but where the same does not exceed one year, such vacancy shall be filled by the court: *Provided*, that a clerk *pro tempore*, may be appointed by the judge thereof, when necessary.

**329. Duties of Sheriff—State's Attorney.]** § 8. The sheriff and state's attorney of the county in which such city may be situate, shall each perform the same duties in said court, and in respect thereto and the process thereof, and have the same powers, be subject to the same liabilities and penalties, and be entitled to the same fees as in the circuit court of such county; and the sheriff shall appoint one or more deputies for such court, for the convenience of the business therein, who shall reside in the city where such court is established, and the judge of such court shall have power to appoint a state's attorney, *pro tempore*, in any of the cases where the circuit court or the judge thereof may appoint.

**330. Master in Chancery.]** § 9. A master in chancery for such court shall be appointed by the judge thereof, who shall hold his office for the same time, qualify in the same manner, be subject to the same liabilities, have the same powers, perform the same duties and be entitled to the same fees and compensation with respect to said court and matters therein as other masters in chancery.

**331. Terms of Court.]** § 10. There shall be two or more regular terms of such court in each year to be held at such times as may be fixed by an order of the court from time to time, and entered of record, which order shall be published

in some newspaper published in such city at least forty days before holding the first term of court under the same; and said order shall not be changed subsequently, except by an order of court entered of record at the term preceding said change, and published in a like manner. Special terms may be called and held in the same manner and with like effect as special terms of the circuit courts and subject to the same limitations: *Provided*, That in the city of Chicago, should such a court be established therein, there shall be held a term of such court every month in the year commencing upon the first Monday of each month and no order of court or publication shall be necessary in order to hold such terms.

**332. Adjournments, Etc.] § 11.** The same rules in regard to the adjournment of such courts upon the non-attendance of a judge thereof, as are or may be provided by law in regard to circuit courts, shall apply to such courts, and the said city courts and the judges thereof, shall have the same power, with respect to adjournments, as the circuit courts and the judges thereof now or hereafter may have by law, and the judges thereof shall have the same power, with respect to adjournments, as the circuit courts and the judges thereof now or hereafter may have by law, and the adjournment of a term in such courts shall have the like effect of an adjournment in the circuit courts.

**333. Appeals from Justices of the Peace—Certiorari.] § 12.** Appeals may be taken from the judgment of justices of the peace or police magistrates in such city to the city court, and writs of *certiorari* may issue to remove causes from before such officers to the city court, and there be heard and determined as in like cases in the circuit court.

**334. Recognizances—City Prison, Etc.] § 13.** All recognizances taken by any justice of the peace, police magistrate, or other officer in the city, in criminal cases, when the offense is committed in the city, except treason and murder,



may be made returnable to the city court of such city; and in all such cases the defendant shall be temporarily detained in the city prison or bridewell, instead of the county jail.

**335. Venue.] § 14.** Change of venue from city courts, for the same causes and in the same manner, may be taken as from circuit courts, and the cases sent to the circuit court of the county, or to some other convenient court of record, where the cause complained of does not exist.

**336. Writs—Orders — Judgments, Etc. — Lien After Transcript Filed in Circuit Court.] § 15.** The writs and process of city courts shall be issued and executed in the same manner, and shall have the same force and effect, except as limited by this act, as the writs and process of circuit courts. Orders, judgments and decrees of city courts shall have the same force, be of the same effect, and be executed and enforced in the same manner as the judgments, orders and decrees of circuit courts; but such judgments and decrees shall be a lien upon real estate in such city, and the county wherein such city is situate, only after a certified transcript of the same shall have been filed in the office of the circuit clerk of the county; which transcript shall contain the names of the parties to the suit, the kind of action, the amount of the judgment, or the general nature and effect of the decree, as the case may be, and the term and time at which the suit was disposed of.

**337. Transcript Book.] § 16.** The clerk of the circuit court of the county shall provide and keep in his office, for each city court in his county, a well-bound book or books for entering therein an alphabetical docket of all judgments and decrees rendered in said city courts, as is now required by law for docketing judgments and decrees rendered in the circuit court; and shall forthwith, after the filing of any such certificate, enter the same therein, together with the hour, day, month and year of the filing such certificate and the general number thereof.

**338. Transcript Fees.]** § 17. In addition to the fees now allowed by law, the clerk of the said city courts shall be allowed to charge and receive a fee of fifty cents for each certified transcript, as aforesaid, and the clerk of the circuit court shall be allowed to charge and receive a fee of fifty cents for filing and entering the same.

**339. Appeals—Error.]** § 18. Appeals may be taken and writs of error prosecuted from city courts to the supreme court, the same as in like cases from circuit courts.

**340. Fees of Jurors—How Paid.]** § 19. The fees of the grand and petit jurors of such courts shall be paid out of the city treasury of the city in which such courts are respectively situated, upon the certificate of the clerk of the respective courts.

**341. Courts Continued.]** § 20. The several courts of record now established in and for cities, are hereby continued, under the name and style of "The City Court of (name of city)," with all the powers and jurisdiction conferred by this act.

**342. Courts—How Established.]** § 21. A city court, consisting of one or more judges, not exceeding five, and not exceeding one judge for every fifty thousand inhabitants, may be organized and established under this act in any city which contains at least three thousand inhabitants, whenever the common or city council shall adopt an ordinance or resolution, to submit the question whether such court shall be established, consisting of one or more judges, not exceeding five, as may be specified in such ordinance or resolution, to the qualified voters of such city, and two-thirds of the votes cast at the election shall be in favor of the establishment of such court. Where such court is established with more than one judge, each judge may hold a separate branch thereof, at the same time, and when holding such separate branch, each judge may exercise all the powers vested in such courts. Such elections

shall be held and conducted, the returns thereof made and canvassed, and the result declared in the same manner as other city elections. To discontinue and disestablish any such court, precisely the same modes of procedure shall be requisite and necessary and be resorted to as for the organization of such court. In the event of the discontinuance and disestablishment of any such court, the clerk thereof shall transfer and deliver to the circuit court of the county in which such city court is situated, all records, judgments and processes in possession of himself or of any other officer of said city court, and the circuit court shall thereupon acquire and be vested with jurisdiction in the matters to which said records, judgments or process relate, and may be dealt with as original records of such circuit court: *Provided*, it shall be lawful for the city council in any city where a city court has been established under this act, and there is no judge or clerk of such court residing within such city, and such court has ceased to do business for two years or more, to pass an ordinance or resolution abolishing such court and authorize the city clerk of such city to transfer and deliver the records, judgments and process of such court to the circuit court of the county in which such city is situated in like manner and with like effect as if such had been transferred by the clerk of such city court. [As amended by act approved June 5, 1889. In force July 1, 1889.]

**343. Election of Judge and Clerk.] § 22.** Whenever the establishment of a city court shall be authorized, as provided in the foregoing section, it shall be the duty of the corporate authorities to order an election for judge and clerk; and when the judge and clerk shall be duly elected, qualified and commissioned, such court shall be deemed organized and established according to law.

AN ACT concerning fees and salaries, and to classify the several counties of this State with reference thereto. [Approved March 29, 1872. In force July 1, 1872. L. 1871-2, p. 420. Title as amended by act approved March 28, 1874. In force July 1, 1874.

**344. Salary.] § 5.** Judges of inferior courts of record in towns and cities shall be allowed, and receive in lieu of, all other fees, perquisites or benefits whatsoever, in cities or towns having a population not exceeding five thousand (5,000) inhabitants, five hundred dollars (\$500); and in cities or towns having more than five thousand (5,000) inhabitants, fifteen hundred dollars (\$1,500), to be paid out of the city or town treasury: *Provided*, that in cities having a population of one hundred thousand (100,000) or more, the city or common council may give such additional compensation, to be paid out of the city or town treasury, to the judge or judges of such court, as shall be deemed reasonable, not exceeding a sum sufficient to make the entire salary five thousand dollars (\$5,000), which additional compensation shall be fixed prior to the election of such judge or judges, and shall be provided for in the annual appropriation ordinance of each year, and shall not be increased or diminished during the term of office of such judge or judges. County judges shall be allowed such salary as shall be fixed by their respective boards, to be paid out of the county treasury.

**345. Prosecuting Attorneys—Salary.] § 6.** That each prosecuting attorney of such inferior court, other than the state's attorney, shall be allowed and receive in full compensation for all services rendered as prosecuting attorney of such court, an annual salary of \$250, to be paid by the town or city.

## II. DRAINAGE AND SEWERAGE.

## Section.

346. Empowered to Construct Drains, Etc.

347. Drainage Improvements by Special Assessments.

348. Proceedings in.

## Section.

349. May Contract for Sewerage, Etc.

350. How Contract Made.

351. Sewerage Fund Tax.

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AN ACT to vest the corporate authorities of cities and villages with power to construct, maintain and keep in repair drains, ditches, levees, dykes and pumping works for drainage purposes by special assessment upon the property benefitted thereby. [Approved June 22, 1885. In force July 1, 1885.]

**346. Empowered to Construct Drains, Etc.] § 1.**

That the corporate authorities of cities and villages are hereby vested with power to construct drains, ditches, levees and dykes, to erect pumping works, and to acquire the necessary and and machinery for such purposes, and otherwise to provide for draining any portion of the lands within their corporate limits, by special assessment upon the property benefitted thereby.

**347. Drainage Improvements by Special Assessments.] § 2.** That the corporate authorities of cities and villages are hereby vested with the power to maintain and keep in repair such drains, ditches, levees, dykes, pumping works and machinery and such drainage improvement by special assessment upon the property benefitted thereby: *Provided*, that no lot, block, tract or parcel of land shall be assessed more than once in any one year for such maintenance and repair.

**348. Proceedings In.] § 3.** All the proceedings for the making of the improvements in this act mentioned, and for the maintenance and repair thereof, and for the levy and collection of the special assessments to defray the cost of the same, shall be in accordance with the provisions of article nine of the general act for the incorporation of cities and villages, approved April 10, 1872.



AN ACT to entitle cities, towns and villages to contract with each other for sewerage. [Approved May 14, 1879. In force July 1, 1879.

**349. May Contract for Sewerage, Etc.] § 1.** That whenever any city, or incorporated town or village, shall be adjacent or contiguous to any other city or incorporated town or village, they shall be authorized to contract with each other upon such terms as may be agreed upon between them, to allow and permit the one the use and benefit of any sewer or drain, or of any system of sewerage or drainage heretofore constructed, or which may be hereafter constructed by the other, and further that any such sewer or drain or system of sewerage or drainage constructed or which may hereafter be constructed by the one, may be extended or furnished to the inhabitants of the other, and they may by contract with each other provide for the joint construction of any sewer or drain by the municipalities so contracting, and for the common use thereof by the inhabitants of such municipalities.

**350. How Contract made.] § 2.** The contract contemplated in section one of this act may be made by ordinance or resolution duly enacted or passed by the common council, board of trustees, or other proper legislative authority of the city, or incorporated town or village proposing such contract, and ratified or assented to by ordinance or resolution duly enacted or passed by the common council, board of trustees, or other proper legislative authority of the city or incorporated town or village confirming or agreeing to such contract, and every such contract when ratified or confirmed by the proper corporate authorities of the municipal corporations who are parties thereto, shall be in all respects valid and binding.

AN ACT in relation to the levy and collection of taxes for sewerage and water-works in the cities of this State, that may have established a system of sewerage and water-works for such city, and to repeal an act therein named, and to authorize the cities, villages and incorporated towns of this State to levy and collect taxes to pay for water and light. [Approved June 21, 1883. In force July 1, 1883.

**351. Sewerage Fund Tax ] § 1.** That the legislative authority of any city which now has, or may hereafter have, established a system of sewerage for such city shall have power annually to levy and collect a tax upon the taxable real and personal estate of such city, not to exceed one mill on the dollar, for the extension and laying of sewers therein, and the maintenance of such sewers, which tax shall be known as "The sewerage fund tax," and shall be levied and collected in the same manner that other general taxes of any such city are levied and collected: *Provided, however*, that the board of public works of such city, if any, or the head of the sewer department of such city, shall first certify to such legislative authority the amount that will be necessary for such purpose: *Provided further*, that a two-thirds majority of all the members elect of the legislative authority of such city may levy a tax for such purposes not to exceed three mills on each dollar of the taxable property of such city: *And provided*, such "sewerage fund tax" shall not be included, prior to the year 1891, in the aggregate amount of taxes as limited by section one (1) of article eight (8) of "An act for the incorporation of cities and villages," approved April 10, 1872. [As amended by act approved and in force March 22, 1889.

## 12. ELECTIONS.

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- 355. Sheriff or Supervisor to Post.
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AN ACT in regard to elections and to provide for filling vacancies in elective offices. [Approved April 3, 1872. In force July 1, 1872.

#### OATH OF JUDGES AND CLERKS OF ELECTION.

**352. Oath.] § 38.** Previous to any vote being taken, the judges and clerks of the election shall severally subscribe and take an oath or affirmation, in the following form, to-wit:

"I do solemnly swear (or affirm, as the case may be,) that I will support the constitution of the United States and the constitution of the State of Illinois, and that I will faithfully discharge the duties of the office of judge of election (or clerk, as the case may be,) according to the best of my ability, and that I have resided in this election district for one year next preceding this election, and am entitled to vote at this election."

[As amended by act approved June 22, 1885. In force July 1, 1885.

**353. By Whom Administered.] § 39.** In case there shall be no judge or justice of the peace present at the opening of the election, or in case such judge or justice shall be appointed a judge or clerk of election, it shall be lawful for the judges of the election to administer the oath or affirmation to each other, and to the clerks of the election; and the person administering such oath or affirmation, shall cause an entry thereof to be made and subscribed by him, and prefixed to each poll book.

#### NOTICE OF ELECTION.

**354. Manner of Giving Notice.] § 46.** At least thirty days previous to any general election, and at least twenty days previous to any special election, except in cases otherwise provided for, the county clerk, in counties not under township organization, shall make out and deliver to the sheriff of his county, or in counties under township organization to the several supervisors of his county, three notices thereof for each precinct or district in which the election in such county is to be held. The notice may be substantially as follows:

Notice is hereby given, that on (give the date), at (give the place of holding the election and the name of the precinct or district), in the county of (name of county), an election will be held for (give the title of the several offices to be filled), which election will be opened at eight o'clock in the morning and continued open until seven o'clock in the afternoon of that day.

Dated at . . . . ., this . . . . . day of . . . . ., in the year of our Lord one thousand eight hundred and . . . . .  
A B, County Clerk.

**355. Sheriff or Supervisor to Post.] § 47.** The said sheriff or supervisor to whom the notices are delivered, shall post up, in three of the most public places in each precinct or district, the three notices therefor at least fifteen days before the time of holding a general election, and at least eight days before the time of holding a special election.

**356. Time of Opening and Closing Polls.] § 48.** The polls shall be opened at the hour of eight o'clock in the morning and continued open until seven o'clock in the afternoon of the same day, at which time the polls shall be closed; but if the judges shall not attend at the hour of eight o'clock in the



morning, or if it shall be necessary for the electors present to appoint judges to conduct the election, as hereinbefore prescribed, the polls may, in that case, be opened at any hour before the time for closing the same shall arrive, as the case may require.

**357. Proclamation.] § 49.** Upon opening the polls one of the clerks or judges of election shall make proclamation of same, and at least thirty minutes before the closing of the polls proclamation shall be made in like manner that the polls will be closed in half an hour.

**358. Ballot Box Publicly Exhibited, Etc.—Locked—Keys.] § 50.** Before any ballot shall be deposited in the ballot box, the ballot box shall be publicly opened and exhibited, and the judges and clerks shall see that no ballot is in such box; after which the box shall be locked and the key delivered to one of the judges, and shall not be again opened until the close of the polls.

**359. Poll Lists—How Kept.] § 51.** Each clerk of the election shall keep a poll list, which shall contain a column headed “number,” and another headed “names of voters.” The name of each elector voting shall be entered upon each of the poll books by the clerks, in regular succession, under the proper headings, and the number of such voter placed opposite his name in the column headed “number.”

**360. Form of Ballot.] § 53.** The names of all candidates for which the elector intends to vote shall be written or printed upon the same ballot, and the office to which he desires each to be elected shall be designated upon the ballot.

**361. Form of Cumulative Ballot.] § 54.** In voting for representatives to the general assembly, if the voter intends to give more than one vote to any candidate, he shall express his intention on the face of the ballot, in words or figures, which may be done in either of the following forms: A B, C D, E F, which shall be held to mean one vote for each

candidate named; or A B  $1\frac{1}{2}$  votes, C D  $1\frac{1}{2}$  votes; or A B 2 votes, C D 1 vote; or A B 3 votes.

**362. Manner of Receiving and Depositing Ballots.]**

§ 55. The ballot shall be folded by the voter and delivered to one of the judges of election; and if the judges be satisfied that the person offering the vote is a legal voter, the clerks of election shall enter the name of the voter, and his number, under the proper heading in the poll books, and the judges shall indorse on the back of the ticket offered the number corresponding with the number of the voter on the poll books, and shall immediately put the ticket into the ballot box.

**363. No Adjournment or Recess.]** § 56. After the opening of the polls no adjournment shall be had, nor shall any recess be taken, until all the votes cast at such election shall have been counted and the result publicly announced.

**364. Clerks of Election.]** § 57. Immediately upon closing the polls, the judges shall proceed to canvass the votes polled. They shall first count the whole number of ballots in the box. If two or more ballots are folded together so as to appear to have been cast by the same person, all of the ballots so folded together shall be marked and returned with the other ballots in the same condition, as near as may be, in which they were found when first opened, but shall not be counted. If the remaining ballots shall be found to exceed the number of names entered on each of the poll lists, they shall reject the ballots, if any be found upon which no number is marked; if the number of ballots still exceeds the number of names entered on each of the poll lists, said ballots shall be replaced in the box, and the box closed and well shaken and again opened, and one of the judges shall publicly draw out and destroy so many ballots unopened as shall be equal to such excess; and the number of the ballots agreeing with the poll lists, or being made to agree, the board shall then proceed to count and estimate and publish the votes; and when the judges of election

shall open and read the tickets, each clerk shall carefully and correctly mark down upon the tally lists the votes each candidate has received, in a separate column prepared for that purpose, with the name of such candidate at the head of such column, and the office designated by the votes such candidate shall fill. The votes shall be canvassed in the room or place where the election is held, and the judges shall not allow the ballot box, or any of the ballots, or either of the poll lists, or either of the tally papers to be removed or carried away from such room or place, until the canvass of the votes is completed, and the returns carefully enveloped and sealed up as provided by law. [As amended by act approved June 22, 1885. In force July 1, 1885.]

**365. Irregular Ballots.] § 58.** If more persons are designated for any office than there are candidates to be elected, or if more votes or parts of votes are designated on any ballot for representatives than the voter is entitled to cast, such part of the ticket shall not be counted for either of the candidates.

**366. Ballots Strung and Returned—When Destroyed.] § 59.** All the ballots counted by the judges of election shall, after being read, be strung upon a strong thread or twine, in the order in which they have been read, and shall then be carefully enveloped and sealed up by the judges, who shall direct the same to the officer to whom by law they are required to return the poll books, and shall be delivered, together with the poll books, to such officer, who shall carefully preserve said ballots for six months, and at the expiration of that time shall destroy them by burning, without the package being previously opened: *Provided*, if any contest of election shall be pending at such time in which such ballots may be required as evidence, the same shall not be destroyed till such contest is finally determined.

**367. Examination of Ballot in Contested Election.]**

§ 60. In all cases of contested election, the parties contesting the same shall have the right to have the said package of ballots opened, and said ballots referred to by witnesses for the purpose of such contest. But said ballot shall only be so examined and referred to in the presence of the officer having the custody thereof.

**368. Form of Return.] § 61.** When the votes shall have been examined and counted, the clerks shall set down in their poll books the name of every person voted for, written at full length, the office for which such person received such votes, and the number he did receive, the number being expressed in words at full length; such entry to be made, as nearly as circumstances will admit, in the following form, to-wit:

At an election held at . . . . ., in the county of . . . . . and State of Illinois, on the . . . . . day . . . . ., in the year of our Lord one thousand eight hundred and . . . . , the following named persons received the number of votes annexed to their respective names, for the following described offices, to-wit: (name of candidate) had (number of votes) for (title of office), (and in the same manner for any other persons voted for.) Certified by us.

A B, }  
C D, } *Judges of Election.*  
E F, }

**369. Compensation of Judges and Clerks.] § 63.** The judges and clerks of election shall be allowed the sum of \$3 each per day for their services in attending each election, and the judge who carries the said returns to the county clerk shall also receive five cents per mile, each way.

**370. Challengers.] § 64.** The judges of election shall allow at least one, and not more than two legal voters of each party to the contest, to be chosen by the parties respectively, into the room where the election is held, to act as challengers of voters at such election; and such challengers may remain with the board of election until the votes are all canvassed and the result declared.

## QUALIFICATION OF VOTERS.

**371. Who May Vote.] § 65.** Every person having resided in this State one year, in the county ninety days, and in

the election district thirty days next preceding any election therein, who was an elector in this State on the first day of April, in the year of our Lord 1848, or obtained a certificate of naturalization before any court of record in this State prior to the first day of January, in the year of our Lord 1870, or who shall be a male citizen of the United States, above the age of twenty-one years, shall be entitled to vote at such election.

**372. Residence.]** § 66. A permanent abode is necessary to constitute a residence within the meaning of the preceding section.

(1) AN ACT to prevent illegal voting by paupers and others in this State. [Approved May 25, 1877. In force July 1, 1877.]

**373. When Inmates of Poor-Houses, Asylums, Etc., May Vote.]** § 1. That no pauper or inmate of any county poor-house, insane asylum or hospital in this State, shall by virtue of his abode at such county poor-house, insane asylum or hospital be deemed a resident or legal voter in the town, city, village or election district or precinct in which such poor-house, insane asylum or hospital may be situated; but every such person shall be deemed a resident of the town, city, village or election district or precinct in which he resided next prior to becoming an inmate of such county poor-house, insane asylum or hospital.

(2) AN ACT to enable inmates of soldiers' and sailors' homes within the State of Illinois to vote at elections. [Approved June 16, 1887. In force July 1, 1887.]

**374. Inmates of Soldiers' and Sailors' Homes.]** § 1. That every honorably discharged soldier or sailor who shall have been an inmate of any soldiers' and sailors' home within the State of Illinois for ninety days or longer, and who shall have been a citizen of the United States and resided in this State one year, in the county where any such home is located ninety days, and in the election district thirty days next pre-



ceding any election shall be entitled to vote in the election district in which any such soldiers' and sailors' home in which he is an inmate thereof as aforesaid, is located, for all officers that now are or hereafter may be elected by the people, and upon all questions that may be submitted to the vote of the people: *Provided*, that he shall declare upon oath, if required so to do by any officer of election in said district, that it was his bona fide intention at the time he entered said home to become a resident thereof.

**375. Affidavit of Qualification.] § 67.** Whenever, at any general or special election, in any precinct, district, city, village, town or ward, any person offering to vote is not personally known to the judges of election to have the qualifications mentioned in the two preceding sections, if his vote is challenged by a legal voter at such election, he shall make and subscribe an affidavit, in the following form, which shall be retained by the judges of election; and returned by them with the poll books:

STATE OF ILLINOIS, } ss.  
County of Cook. }

I, . . . . do solemnly swear (or affirm) that I am a citizen of the United States, (or, "that I was an elector on the first day of April, A. D. 1848," or, "that I obtained a certificate of naturalization before a court of record in this state prior to the first day of January, A. D. 1870," (as the case may be,) that I have resided in this state one year, in this county ninety days, and in this election district thirty days next preceding this election; that I now reside at (here give the particular house or place of residence, and, if in a town, or city, the street and number,) in this election district; that I am twenty-one years of age, and have not voted at this election; so help me God, (or "this I do solemnly and sincerely affirm," as the case may be.)

Subscribed and sworn to before me, this . . . day . . . of . . . , A. D. 18 . . .

**376. Affidavit of Witness.] § 68.** In addition to such an affidavit, the person so challenged shall produce a witness personally known to the judges of election, and resident in the precinct (or district), or who shall be proved by some legal voter of such precinct or district, known to the judges to be such, who shall take the oath following, viz:

I do solemnly swear (or affirm) that I am a resident of this election precinct (or district), and entitled to vote at this election, and that I have been a resident of this state for one year last passed, and am well acquainted with the person whose vote is now offered; that he is an actual and *bona fide* resident of this election precinct (or district), and has resided herein thirty days, and, as I verily believe, in this county ninety days, and in this state, one year next preceding this election.

**377. Who May Administer Oath.]** § 69. The oath, in each case, may be administered by either of the judges of election, or by any officer, resident in the precinct or district, authorized by law to administer oaths.

**378. Convicts—Disqualification.]** § 70. No person who has been legally convicted of any crime, the punishment of which is confinement in the penitentiary, or who shall be convicted and sentenced under section eighty-three of this act shall be permitted to vote at any election, unless he shall be restored to the right to vote by pardon, or by the expiration of the term of his disfranchisement under section eighty-three of this act. [As amended by act approved June 17, 1887. In force July 1, 1887.]

**379. Liquor.]** § 79. No spirituous, malt, vinous or intoxicating liquor shall be sold or given away at retail, nor shall any saloon or bar room, or place where such liquor is so sold or given away, be open upon any general or special election day within one mile of the place of holding an election. Whoever violates the provisions of this section shall be fined in a sum not less than 25 nor more than \$100. It shall be the duty of the sheriff, coroner, constables and other officers of the county, and magistrates, to see that the provisions of this section are enforced.

**380. False Swearing.]** § 80. If any person whose vote is challenged, or any witness sworn under the provisions of this act, shall knowingly, willfully and corruptly, swear falsely, he shall be deemed guilty of perjury, and on conviction thereof shall be punished accordingly.

**381. Illegal Voting.]** § 81. Whoever unlawfully votes more than once at any election, or offers to vote after having once voted at such election, or knowing that he is not a qualified voter at an election, willfully votes at such election, shall, on conviction thereof, be fined in a sum not exceeding \$1,000,

or imprisoned in the county jail not exceeding one year, or both, in the discretion of the court.

**382. Other Offenses.]** § 82. Whoever willfully aids or abets any one not legally qualified to vote at an election in voting or attempting to vote at such election, or

*Second*—Furnishes an elector with a ticket or ballot informing him that it contains a name different from that which appears thereon, with intent to induce him to vote contrary to his inclinations; or

*Third*—Changes a ballot of an elector, with intent to deprive such elector of voting for such person as he intended; or

*Fourth*—By unlawful means prevents or attempts to prevent any voter from attending or voting at an election; or

*Fifth*—Gives or offers to give, any valuable thing or bribe to any judge or clerk of an election, as a consideration for some act to be done or omitted to be done contrary to his official duty in relation to such election, shall on conviction thereof be fined in a sum not exceeding \$1,000, or imprisoned in the county jail not exceeding one year, or both, in the discretion of the court. And any judge or clerk who shall receive, request or demand any bribe or reward forbidden by this act, shall upon conviction, be liable to the same penalties as are prescribed in this act for the giving or offering to give such bribe or reward. [As amended by act approved June 17, 1887. In force July 1, 1887.]

**383. Receiving Bribe, Etc.]** § 83. Any person who shall solicit, request, demand or receive, directly or indirectly, any money, intoxicating liquor or other thing of value, or the promise thereof, either to influence his vote, or to be used, or under the pretense of being used to procure the vote of any other person or persons, or to be used at any poll or other place prior to or on the day of an election for or against any

candidate for office, or for or against any measure or question to be voted upon at such election, shall be deemed guilty of the infamous crime of bribery, in elections, and upon conviction thereof in any court of record, shall be sentenced to disfranchisement by the judge of such court for a term of not less than five nor more than fifteen years, and to the county jail not less than three months nor more than one year, and to pay the cost of prosecution and stand committed to the county jail until such costs shall be fully paid. That for a conviction of a second offense under this section, the first being alleged and proven, such second offender shall be by the sentence of the court forever thereafter disfranchised and deprived of the right to vote at an election in this State, and be imprisoned in the county jail not less than one year, and be committed to jail in default of payment of costs of prosecution until such costs are fully paid. Prosecutions may be had under this section by indictment in the circuit court, or by information in the county courts, and the effect of a sentence of disfranchisement in either of said courts, both having jurisdiction of offenses hereunder, shall be to deprive such persons sentenced of the right to vote at any general or special election, or town meeting, within this State for the period of time fixed by the court where such person shall be convicted under this section. Any candidate or other person paying, furnishing or promising to pay or furnish or bribing such person, with money, intoxicating liquor or other thing of value, or the promise thereof, shall not be liable to punishment therefor, but shall be a competent witness and compelled to testify in prosecutions under this section. Solicitations by any person of a loan of money, or the purchase of anything of value, or liquor by the drink or treat to influence or effect his vote, or any other subterfuge, shall be deemed a violation hereof.

*Second*—Any person who shall have been legally convicted and disfranchised by a court of competent jurisdiction who shall before the expiration of his term of disfranchisement,

vote or offer to vote at any general or special election, or town meeting within this State, shall, upon indictment and conviction thereof, in a court of competent jurisdiction, be confined in the penitentiary for a term of years not less than one, nor more than ten years. [As amended by act approved June 17, 1887. In force July 1, 1887.

**384. Disorderly Conduct.] § 84.** Whoever is disorderly at any election shall forfeit a sum not exceeding \$25.

**385. Betting on Election.] § 85.** Whoever bets or wagers any money, property or other valuable thing, upon the result of an election which may be held under the constitution or laws of this State, or bets or wagers money, property or other valuable thing, upon the number of votes which may be given to any person at an election, or upon who will receive the greatest number of votes at an election; or agrees to pay any other person any money, property, or other valuable thing, in the event that an election shall result in one way, or in the event that any person shall or shall not be elected, or shall receive a greater number of votes than others, upon conviction thereof he shall be fined in a sum not exceeding \$1,000, or imprisoned in the county jail not exceeding one year, or both, in the discretion of the court.

**386. Offenses of Judge of Election.] § 86.** If any judge of any election shall permit a person to vote whose vote is challenged, without the proof required in this act; or,

2d. Shall knowingly and willfully permit a person to testify as a witness contrary to the provisions of this act; or

3d. Shall knowingly permit a person to vote who is not qualified according to law; or,

4th. Shall knowingly receive and count more than one vote from the same person at the same election for the same office, except as allowed by law; or,

5th. Shall refuse to receive the vote of a qualified elector at



such election, who will make the affidavit and proof required by this act; or,

6th. Shall be guilty of any fraud, corruption, partiality or manifest misbehavior; or,

7th. Shall open or unfold any ballot when the same is presented to be deposited in the ballot box; or,

8th. Shall willfully neglect to perform any of the duties required of him by this act, shall, on conviction thereof, be fined in a sum not exceeding \$1,000, or imprisoned in the county jail not exceeding one year, or both, in the discretion of the court.

**387. When Judge or Clerk Ascertains or Discloses Vote.]** § 87. If any judge or clerk of election shall willfully or corruptly ascertain, by comparison of the poll book with the ballot, or shall allow any other person to ascertain by such comparison or otherwise, or shall willfully publish or reveal how any elector voted at an election, he shall, on conviction thereof, be fined in any sum not exceeding \$1,000, or imprisoned in the county jail not exceeding one year, or both, in the discretion of the court.

**388. When Other Person Ascertains or Discloses Vote.]** § 88. If any person shall willfully or corruptly ascertain or publish, or reveal how any elector voted at an election, he shall, on conviction thereof, be fined in any sum not exceeding \$1,000, or imprisoned in the county jail not exceeding one year, or both, in the discretion of the court.

**389. Neglect of Duty by Clerk.]** § 89. If any clerk of an election shall willfully neglect to perform any duty required of him as clerk of election, or shall be guilty of fraud, corruption or misbehavior as such clerk, he shall, on conviction, be fined in a sum not exceeding \$500, or imprisoned in the county jail not exceeding six months, or both, in the discretion of the court.

**390. Failure to Deliver Poll Books, Etc.] § 90.** If any judge, clerk or messenger, after having been deputed by the judges of election to carry the poll books, tally list and votes of such election to the place where, by law, they are required to be canvassed, willfully or negligently fails to deliver such poll books, tally list or ballots, within the time prescribed by law, with the seal unbroken, he shall, upon conviction, be fined in a sum not exceeding \$500, or imprisoned in the county jail not exceeding six months, or both, in the discretion of the court.

**391. Fraud in Canvassing, Etc.] § 92.** If any county clerk or justice of the peace shall be guilty of any fraud, corruption or misbehavior, in canvassing the votes or making any abstract of votes, or issuing any certificate of election, he shall, on conviction, be fined in any sum not exceeding \$500, or imprisoned in the county jail not exceeding one year, or both, in the discretion of the court.

**392. Carrying Away—Defacing, Etc.—Poll Books, Etc.] § 93.** Whoever shall willfully and wrongfully take or carry away from the place where it has been deposited for safe-keeping, or deface, mutilate or change any poll book, ballot, or tally list, or any name or figure therein, shall, on conviction, be fined in a sum not exceeding \$1,000, or imprisoned in the county jail not exceeding one year, or both, in the discretion of the court.

#### CONTESTING ELECTIONS.

**393. When Legislature to Hear.] § 94.** The legislature, in joint meeting, shall hear and determine cases of contested elections of governor and lieutenant-governor, secretary of State, auditor of public accounts, treasurer, superintendent of public instruction, and attorney general. The meeting of the two houses, to decide upon such elections, shall be held in the hall of the house of representatives, and the speaker of the house shall preside.

**394. Senators and Representatives.] § 95.** The senate and house of representatives shall severally hear and determine contests of the election of their respective members.

**395. By Supreme Court.] § 96.** The supreme court shall hear and determine contests of the election of judges of the supreme court, clerks of the supreme court, judges of the circuit court, judges of the superior court of Cook county, members of the State board of equalization; but no judge of the supreme court shall sit upon the hearing of any case in which he is a party.

**396. By Circuit Courts.] § 97.** The circuit courts of the respective counties shall hear and determine contests of the election of the judges of the county court of their counties, and in regard to the removal of county seats, and in regard to any other subject which may by law be submitted to the vote of the people of the county.

**397. By County Court.] § 98.** The county court shall hear and determine contests of election of all other county, township and precinct officers, and all other officers for the contesting of whose election no provision is made.

**398. Election of State Officers—Petition of Contestant.] § 99.** When any elector shall desire to contest the election of governor, lieutenant-governor, secretary of State, auditor of public accounts, treasurer, superintendent of public instruction, or attorney-general, he shall, within ten days after the result of the election shall have been determined, present a petition to the general assembly, setting forth the points on which he will contest such election, and praying for leave to produce his proof.

**399. Joint Committee to Take Testimony.] § 100.** The general assembly shall appoint a joint committee to take testimony on the part of the petitioner, and the person whose place is contested.

**400. Powers of Joint Committee.]** § 101. The committee so appointed shall have power to send for witnesses, and compel the attendance of witnesses and the production of papers, issue commissions under the hand of its chairman, to any officer authorized to take depositions in other cases, to take the deposition of witnesses upon the points set forth in the petition, at such time and place as the commission shall direct.

**401. Notice.]** § 102. Reasonable notice shall be given by the party in whose favor the deposition is to be taken, to the opposite party, of the time and place of taking the same.

**402. Testimony.]** § 103. No testimony shall be taken except on the points set forth in the petition.

**403. Report of Committee — Hearing — Decision.]** § 104. The committee shall report the facts to the house, and a day shall be fixed by a joint resolution for the meeting of the two houses to decide upon the same, in which decision the yeas and nays shall be taken and entered upon the journal.

**404. Who May Contest Senator or Representative.]** § 105. The election of any member declared duly elected to a seat in the senate or house of representatives of the General Assembly, may be contested by any qualified voter of the county or district to be represented by such senator or representative.

**405. Notice of Contest.]** § 106. The contestant shall, within thirty days after the result of the election shall have been determined, serve on the person whose election he will contest, a notice of his intention to contest such election, expressing the points on which the same will be contested; and shall, also, on or before the next session of the General Assembly, deliver a copy of such notice to the secretary of state. In case the person whose election is contested is absent, or cannot be found, service may be had by leaving a copy of such notice at his usual place of residence.

**406. Testimony—How Taken.] § 107.** Whenever a notice shall have been given of intention to contest an election, as provided in the preceding section, either party may proceed to take testimony of any witness before any judge, justice of the peace, clerk of a court, master in chancery, or notary public, on giving to the adverse party or his attorney, ten days' notice of the time and place of taking the same, and one day in addition thereto (Sunday inclusive) for every fifty miles' travel from the place of residence of such party to the place where such deposition is to be taken. If the party entitled to notice resides in the county where the deposition is to be taken, five days' notice shall be sufficient.

**407. Power of Officer Taking Testimony.] § 108.** The officer before whom depositions are taken shall have power to compel the production of papers, and the attendance of witnesses; and the same proceedings may be had to compel the attendance of witnesses, as are provided in the cases of taking depositions to be used in courts of law and equity.

**408. Depositions, etc., to be Sent to Secretary of State.] § 109.** A copy of the notice to take depositions, with proof of the service thereof, with the deposition, shall be sealed up and transmitted by mail, or otherwise, to the secretary of State, with an indorsement thereon, showing the names of the contesting parties, the office contested, and the nature of the papers.

**409. Delivery of Notice Contest, etc.—Duty of Presiding Officer.] § 110.** The secretary of state shall deliver the copy of the notice deposited with him by the contestant, and the depositions, unopened, to the presiding officer of the branch of the general assembly to which the contest relates, on or before the second day of its session next after the receipt of the same; and the presiding officer shall immediately give notice to his house that such papers are in his possession.



**410. Rights of Either House Saved.]** § 111. Nothing herein contained shall be construed to abridge the right of either branch of the general assembly to grant commissions to take depositions, or to send for and examine any witnesses it may desire to hear on such trial.

**411. Who may Contest Election of Other Officers.]** § 112. The election of any person declared elected to any office other than governor, lieutenant-governor, secretary of state, auditor of public accounts, treasurer, superintendent of public instruction, attorney-general, senator or representative, may be contested by any elector of the state, judicial division, district, county, town or precinct in and for which the person is declared elected.

**412. Contestant to File Statement, Etc.]** § 113. The person desiring to contest such election shall, within thirty days after the person whose election is contested is declared elected, file with the clerk of the proper court a statement, in writing, setting forth the points on which he will contest the election, which statement shall be verified by affidavit in the same manner as bills in chancery may be verified.

**413. Summons.]** § 114. Upon the filing of such statement, summons shall issue against the person whose office is contested, and he may be served with process, or notified to appear, in the same manner as is provided in cases in chancery.

**414. Evidence.]** § 115. Evidence may be taken in the same manner and upon like notice as in cases in chancery.

**415. Trial.]** § 116. The case shall be tried in like manner as cases in chancery.

**416. Other Elections Contested.]** § 117. Any five electors of the county may contest an election upon any subject which may by law be submitted to a vote of the people of the county, upon filing in the circuit court, within thirty days after the result of the election shall have been determined, a

written statement in like form as in other cases of contested elections in the circuit court. The county shall be made defendant, and process shall be served as in suits against the county; and like proceedings shall be had as in other cases of contested elections before such court.

**417. When Elector may Defend for County.] § 118.** In case the county board shall fail or refuse properly to defend such contest, the court shall allow any one or more electors of the county to appear and defend, in which case the electors so defending shall be liable for the costs in case the judgment of the court shall be in favor of the contestant.

**418. Judgment.] § 119.** The judgment of the court, in cases of contested election, shall confirm or annul the election according to the right of the matter; or, in case the contest is in relation to the election of some person to an office, shall declare as elected to [the] person who shall appear to be duly elected.

**419. Tie.] § 120.** If it appears that two or more persons have, or would have had if the legal ballots cast or intended to be cast for them had been counted, the highest and an equal number of votes for the same office, the persons receiving such votes shall decide by lot, in such manner as the court shall direct, which of them shall be declared duly elected; and the judgment shall be entered accordingly.

**420. Certified Copy of Judgment.] § 121.** A certified copy of the judgment of the court shall have the same effect as to the result of the election as if it had been so declared by the canvassers.

**421. When Election Adjudged Void.] § 122.** When the person whose election is contested is found to have received the highest number of legal votes, but the election is declared null by reason of legal disqualification on his part, or for other causes, the person receiving the next highest number of votes

shall not be declared elected, but the election shall be declared void.

**422. Appeal.] § 123.** In all cases of contested elections in the circuit courts or county courts, appeals may be taken to the supreme court in the same manner, and upon like conditions as is provided by law for taking appeals in cases in chancery from the circuit courts.

AN ACT for the registry of electors and to prevent fraudulent voting.  
[Approved and in force February 15, 1865.]

**423. Board of Registration—Meeting—Register.] § 1.** That the persons authorized by law, or appointed pursuant to any town or city ordinance, to act as judges or inspectors of elections in any town, city, or ward or other election district or precinct in this State, shall constitute a ‘Board of Registry’ for their respective towns, cities, wards, districts or precincts, and shall meet on Tuesday, three weeks preceding any State election, at nine o’clock A. M., and proceed to make a list, as hereinafter prescribed, of all persons qualified and entitled to vote at the ensuing election, in the election district of which they are judges or inspectors; which list, when completed, shall constitute and be known as the ‘Register’ of electors of said election district. In election districts in towns which lie wholly within the limits of an incorporated city, a register of electors shall be made for all elections, whether general, special, local or municipal, in the same manner as herein provided in the case of State elections. [As amended by act approved May 31, 1879. In force July 1, 1879.]

**424. Manner of Making Register, Etc.—First Meeting.] § 2.** Said registers shall each contain a list of the persons so qualified and entitled to vote in said election district, alphabetically arranged, according to their respective surnames, so as to show, in one column, the name in full length, and in another column, in cities, the residence, by the number of the dwelling, if there be a number, and the name of the street or

other location of the dwelling place of each person. It shall be the duty of said board to enter in said lists the names of all persons residing in their election district, whose name appears on the poll list kept in said district at the last preceding election—in cities the number of the dwelling and the name of the street or other location, if the same shall be known to or can be ascertained by such board—and for this purpose said board are authorized to take from the office in which they are filed the poll lists made and filed by the judges or inspectors of such district, at the election held next prior to the making of such register. In making said list, the board shall enter thereon, in addition to the names on the poll list, the names of all other persons who are well known to them to be electors in said district; and the names of all persons on the poll list who have died or removed from the district shall be omitted from the register. The said board shall complete, as far as practicable, the said register on the day of their meeting, aforesaid, and shall make two copies thereof, and certify the register and each of the copies to be a true list of the voters in their district, so far as the same are known. Within two days thereafter, the said original list, together with the list taken from the office, as aforesaid, shall be filed by said board in the office of the town clerk of the town in which said election district may be; but in counties not adopting township organization, said list shall be filed with the judges or inspectors of election of the proper district, or if such election district is in a city then it shall be filed in the office of the city clerk of said city. And one copy of said list shall be kept by one of said judges or inspectors, and carefully preserved by him for their use on the day or days hereinafter mentioned, for the revision and correction of the same. One copy of said list shall, immediately after its completion, be posted in some conspicuous place where the last preceding election in said district was held, and be accessible to any elector who may desire to examine the same or make copies thereof. Any person who

shall take down, tear down or deface any list, so posted, shall be deemed guilty of misdemeanor, and shall be punished by a fine of \$50, or by imprisonment in the county jail for the term of sixty days, or by both fine and imprisonment. [As amended by act approved March 27, 1874. In force July 1, 1874.

**425. New Election Districts.] § 3.** In case a new election district shall be formed by the organization of a new town, or by the division of any town or ward, or the incorporation of a city or town, the judges or inspectors of the election in the new district thus formed, may make their registry of electors on the day prescribed by this act, in such manner as a majority of them may direct, and for that purpose may make a list, or cause to be made a certified copy of the poll list or lists of the district in which such new district is situated, or they may dispense with such list or lists and proceed to make a register of electors, from the best means at their command. Said lists shall only embrace the names of such persons as are known to them to be electors in their district, and shall be posted up and copies thereof made, as prescribed in the preceding section, and shall be corrected in the same manner that other lists are corrected.

**426. Revision Register—Second Meeting.] § 4.** The said board shall again meet on Tuesday of the week preceding the said elections, in their respective election districts, at the place designated for holding the polls of the election, for the purpose of revising, correcting and completing said lists; and for this purpose, in cities, they shall meet at eight o'clock in the morning, and remain in session until nine o'clock P. M., and in other districts they shall meet at nine o'clock in the morning and remain in session until four o'clock P. M. [As amended by act approved March 27, 1874. In force July 1, 1874.

**427. Proceedings Open—Corrections, Etc.] § 5.** The proceedings of said board shall be open, and all persons resid-



ing and entitled to vote in said district shall be entitled to be heard by said board, in relation to corrections or additions to said register. One of the lists so kept by the judges or inspectors, as aforesaid, shall be used by them, on the day or days of making corrections or additions, for the purpose of completing the registry for such district.

**428. Revising Register—Addition of New Names.]**

§ 6. It shall be the duty of said board, at their meeting for revising and correcting said lists, to erase therefrom the name of any person inserted therein, who shall be proved by the oath of two legal voters of said district, to the satisfaction of said board, to be non-resident of said district, or otherwise not entitled to vote, in said district, at the election then next to be held. Any elector residing in said district, and entitled to vote therein, may appear before said board and require his name to be recorded on said alphabetical list. Any person so requiring his name to be so entered on said lists, shall make the same statement as to the street and number thereof, and where he resides, required by the provisions of this act of persons offering their votes at elections, and shall be subject to the same penalties for refusing to give such information, or for falsely giving the same, and shall also be subject to challenge, either by the judges or inspectors, or either of them, or by any other elector whose name appears on said alphabetical list; and the same oaths may be administered by the judges or inspectors as now provided in case of persons offering to vote at an election; and in case no challenge is made of any person requiring his name to be entered on said alphabetical list, or in case of challenge, if such person shall make oath that would entitle him to vote in case of challenge at an election, then the name of any such person shall be added to the alphabetical poll list of the last preceding year.

**429. Copies of Register—Filing—Deliver to Judges—Voting—Swearing in Vote, Etc.]** § 7. After said lists

shall have been fully completed, the said board shall, within three days thereafter, cause two copies of the same to be made, each of which shall be certified by them to be a correct list of the voters of their district; one of which shall be filed in the office of the town clerk of towns, and in the office of city clerks of cities; and one of which copies shall be delivered to said judges or inspectors. It shall be the duty of the said judges or inspectors so receiving such list, carefully to preserve the said list for their use on election day, and to designate two of their number, at the opening of the polls, to check the name of every voter voting in such district whose name is on the register. No vote shall be received at any state election in this state, if the name of the person offering to vote be not on the said register made on the Tuesday preceding the election, unless the person offering to vote shall furnish to the judges of the election his affidavit, in writing, stating therein that he is an inhabitant of said district and entitled to vote therein at such election, and prove by the oath of a householder and registered voter of the district in which he offers to vote, that he knows such person to be an inhabitant of the district, and if in any city, giving the residence of such person within said district. The oath may be administered by one of the judges or inspectors of the election, at the poll where the vote shall be offered, or by any other person authorized to administer oaths, but no person shall be authorized to receive compensation for administering the oath. Said oath shall be preserved and filed in the office of the town or city clerk, or in case there be no clerk, then said oath shall be filed with and preserved by the judges or inspectors of the proper district. Any person may be challenged, and the same oaths shall be put as now are or hereafter may be prescribed by law. [As amended by act approved March 27, 1874. In force July 1, 1874.

**430. Entry on Register by Clerks—Non-Registered Voter—Penalty.] § 8.** The clerks at each poll, in addition

to the duties now prescribed by law, shall enter on the poll list kept by them, in columns prepared for that purpose, opposite the name of each person voting, the same statement or minute as hereinbefore required of the board in making the registry; but such entry is not to be made by them if the registry contains correctly the name and residence of such voter; and in all cases said clerk shall enter in a column opposite the name of each person not registered, the words "not registered." In cities, every elector, at the time of offering his vote, shall truly state the street in which he resides, and if the house, lodging or tenement in which he resides, is numbered, the number thereof. And the clerks of the polls, in case the name of such elector is not registered, shall truly enter in the appropriate column of the poll list, opposite the name of the elector, the street in which the elector resides, and the number, in case the house, lodging or tenement is numbered; and if the same is not numbered, then the clerk shall enter "not numbered" in the column of the poll list for entering the number. In case of refusal to make the statement as aforesaid, the vote of such elector shall not be received. Any person who shall willfully make any false statement in relation thereto, shall be deemed guilty of misdemeanor, and shall upon conviction, be punished with a fine of \$50, or by imprisonment in the county jail in the county for a period of ten days, or by both such fine and imprisonment.

**431. Poll List and Register to be Filed.] § 9.** After the canvass of the votes, one of said poll lists and said register so kept and checked, as aforesaid, shall be attached together, and shall, on the following day, be filed in the town or city clerk's office (as the case may be) in which said district may be, or in case there be no such clerk, then such poll lists and register shall be filed with and preserved by the judges or inspectors, to be used by the board of registry in making the list of voters at the next state election; the other of said poll lists and registers, so kept and checked, shall be returned to

the office of the county clerk in the county in which said district may be, at the same time the returns of the election are made. [As amended by act approved March 27, 1874. In force July 1, 1874.

[§ 10 is repealed by act approved March 27, 1874.

**432. Registers Open to Inspection.] § 11.** The register shall at all times be open to public inspection, at the office of the authorities in which they shall be deposited, without charge.

**433. Compensation.] § 12.** That the members of the board of registration shall each receive \$2 per day for each day actually employed in the making and completion of the registry, not exceeding two days, to be paid to them at the time and in the manner in which they are paid their other fees. [As amended by act approved March 27, 1874. In force July 1, 1874.

**434. Preserving Order.] § 13.** The said board shall have and exercise the same power in preserving order at their meetings, under this act, as are given to judges or inspectors of elections for preserving order on election days; and vacancies in said board shall be filled in the same manner that vacancies are now filled at elections.

**435. Fraudulent Registration—False Swearing, Etc.] § 14.** Any person who shall cause his name to be registered in more than one election district, or who shall cause his name to be registered, knowing that he is not a qualified voter in the district where said registry is made, or who shall falsely personate any registered voter, and any person causing, aiding or abetting any person, in any manner, in either of said acts, shall be punished, for each and every offense, by imprisonment in the state prison for not less than one year. All intentional false swearing before said board of registration shall be deemed willful and corrupt perjury, and, on conviction, punished as such. If any member or officer of said board shall

willfully violate any of the provisions of this act, or be guilty of any fraud in the execution of the duties of his office, he shall be punished, for each and every offense, by imprisonment in the state prison for not less than one year.

[§§ 15 and 16 are repealed by implication, the acts to which they refer being repealed. § 17 was only of temporary effect.

**436. Blanks to be Furnished.]** § 18. The necessary blanks for making the registers required by law, shall be prepared by the secretary of state, and transmitted to the persons entitled to receive them, in the same manner that blank returns of elections are now transmitted.

[§ 19 is repealed by implication, the act to which it refers being repealed.]

**437. Time Act Takes Effect.]** § 20. This act shall be in force from and after its passage.

AN ACT to provide for the printing and distribution of ballots at public expense, and for the nomination of candidates for public offices, to regulate the manner of holding elections, and to enforce the secrecy of the ballot.

**438. Printing and Distribution of Ballots.]** § 1. That in all elections hereafter to be held in this State for public officers, except for trustees of schools, school directors, members of boards of education, officers of road districts in counties not under township organization, the voting shall be by ballots printed and distributed at public expense as hereinafter provided, and no other ballots shall be used.

**439. Printing—How Paid For—"General" and "City" Election Defined.]** § 2. The printing and delivery of the ballots and cards of instruction to voters hereinafter described, shall, in municipal elections in cities, villages and incorporated towns, be paid for by the several cities, villages and incorporated towns respectfully, and in town elections by the town, and in all other elections the printing of the ballots and cards of instruction for the voters in each county and the delivery of



them to the several voting precincts and election districts shall be paid for by the several counties respectfully. The term "general election" as used in this act, shall apply to any election held for the choice of a national, State, judicial, district or county officer, whether for the full term or for the filling of a vacancy. The term "city election" shall apply to any municipal election held in a city, village, or incorporated town.

**440. Nominations.] § 3.** Any convention of delegates, and any caucus or meeting of qualified voters, as hereinafter defined, and individual voters to the number and in the manner hereinafter specified, may nominate candidates for public office, whose names shall be placed upon the ballots to be furnished as hereinafter provided.

**441. Certificates of Nominations.] § 4.** Any convention of delegates, caucus or meeting representing a political party which at the general election next preceding polled at least two (2) per cent. of the entire vote cast in the State, or in the electoral district or division thereof, or the municipality for which the nomination is made, may for the State, or for the electoral district or division thereof or municipality for which the convention, caucus or meeting is held, as the case may be, by causing a certificate of nomination to be duly filed, make one such nomination for each office therein to be filled at the election. Every such certificate of nomination shall state such facts as are required in section six (6) of this act, and shall be signed by the presiding officer and by the secretary of the convention, caucus or meeting, who shall add to their signatures their places of residence. Such certificates shall be sworn to by them to be true to the best of their knowledge and belief, and a certificate of the oath shall be annexed to the certificate of nomination.

**442. Nominations by Groups of Voters.] § 5.** Nominations of candidates for any office to be filled by the voters of the State at large may also be made by nomination papers,

signed in the aggregate for each candidate by not less than one thousand (1,000) qualified voters of the State. Nominations of candidates for office within any district or political division less than the State and in all cities having a population in excess of 5,000 may be made by nomination papers signed in the aggregate for each candidate by qualified voters of such district or political division not less than one for each fifty persons who voted at the next preceding general election in such district or division, but in no case by less than twenty-five (25). In elections to be held in a town, village, precinct or ward, and in all cities with a population not exceeding 5,000, the signature of voters thereof equaling 5 per cent. of the vote cast therein at the last preceding election shall be sufficient for the nomination of a candidate who is to be voted for only in such town, village, precinct or ward or city. Each voter signing a nomination paper shall add to his signature his place of residence, and each voter may subscribe to one nomination for each office to be filled and no more: *Provided*, that the name of any candidate whose name may appear in any other place upon the ballot shall not be so added by petition for the same office.

**443. Certificate—When and Where Filed.]** § 6. All certificates of nomination or nomination papers shall, besides containing the names of candidates, specify as to each:

1. The office to which he is nominated.
2. The party or political principle which he represents, expressed in not more than five (5) words.

3. His place of residence, with the street and number thereof, if any. In the case of electors for President and Vice-President of the United States, the names of the candidates for President and Vice-President may be added to the party or political appellation.

**444. Form of Certificates.]** § 7. Certificates of nomination and nomination papers for the nomination of candidates

for office to be filed by the electors of the entire State, or any division or district greater than a county, shall be filed with the Secretary of State at least thirty days previous to the day of election for which the candidates are nominated. All other certificates for the nomination of candidates shall be filed with the county clerk of the respective counties at least thirty days previous to the day of such election: *Provided*, that certificates of nomination and nomination papers for the nomination of candidates for the offices in cities, villages and incorporated towns and for town offices in counties under township organization shall be filed with the clerks of the towns, cities, villages and incorporated towns at least fifteen days previous to the day of such election.

**445. Withdrawal of Candidate—Certificate Open to Inspection—Preservation of Papers.] § 8.** Any person whose name has been presented as a candidate may cause his name to be withdrawn from nomination by his request in writing signed by him and acknowledged before an officer qualified to take acknowledgment of deeds, and filed with the Secretary of State not less than fifteen (15) days or with the proper clerk not less than eight (8) days previous to the day of election, and no name so withdrawn shall be printed upon the ballots. All certificates of nomination and nomination papers, when filed, shall be open, under the proper regulation, to public inspection, and the Secretary of State and the several clerks having charge of nomination papers shall preserve the same in their respective offices not less than six months.

**446. Vacancies in Nominations—How Filled.] § 9.** In case a candidate who has been duly nominated under the provisions of section six (6) of this act die before election day, or decline the nomination, as in this act provided, or should any certificate of nomination be held insufficient or inoperative by the officer with whom they may be filed, the vacancy or vacancies thus occasioned may be filled by the political party

or other persons making the original nominations, or, if the time is insufficient therefor, then the vacancy may be filled if the nomination was by convention or caucus, in such manner as the convention or caucus had previously provided, or in case of no such previous provision, then by a regularly elected general or executive committee representing the political party or persons holding such convention, meeting or caucus. The certificates of nomination made to supply such vacancy shall state, in addition to the other facts required by section six (6) of this act, the name of the original nominee, the date of his death or declination of nomination, or the fact that the former nomination has been held insufficient or inoperative, and the measures taken in accordance with the above requirements for filling a vacancy, and it shall be signed and sworn to by the presiding officer and secretary of the convention or caucus, or by the chairman and secretary of the duly authorized committee, as the case may be.

**447. Objections to Certificates.] § 10.** The certificates of nomination and nomination papers being so filed and being in apparent conformity with the provisions of this act, shall be deemed to be valid, unless objection thereto is duly made in writing. Such objections or other questions arising in relation thereto in the case of nomination of State officers shall be considered by the Secretary of State and the Auditor and Attorney General, and the decision of the majority of these officers shall be final. Such objections or questions arising in the case of nominations for officers to be elected by the voters of a division less than the State and greater than a county, shall be considered by the county judges of the counties embraced in such division, and the decision of a majority of these officers shall be final. Such objections or questions arising in the case of nominations of candidates for county officers, shall be considered by the county judge, county clerk and State's attorney for such county, and the decision of a majority of said officers shall be final. Objections or ques-

tions arising in the case of nominations of city, town or village officers shall be considered by the mayor or president of the board of trustees, and the city, town or village clerk, with whom one alderman or trustee thereof, as the case may be, chosen by lot shall act, and the decision of a majority of such officers shall be final. Such objections arising in the case of nominations of town officers shall be considered by the board of auditors of such town, and the decision of a majority of such auditors shall be final. In any case where such objection is made, notice shall forthwith be given to the candidates affected thereby, addressed to their places of residence as given in the nomination papers and stating the time and place when and where such objections will be considered: *Provided*, that in cities, towns or villages having a board of election commissioners such questions shall be considered by such board and its decision shall be final.

**448. Nominations Certified to County Clerk for Printing.]** § 11. When such certificate is filed with the Secretary of State he shall, in certifying nominations to the various county clerks, insert the name of the person who has been thus nominated to fill a vacancy in place of the original nominee, and in the event that he has already sent forward his certificate, he shall forthwith certify to the clerks of the proper counties the name and description of the person so nominated to fill a vacancy, the office he is nominated for, with the other details mentioned in certificates of nomination filed with the Secretary of State, and in cases where such clerk is not charged by this act with the printing of the ballots, he shall immediately certify the name so supplied to the authorities charged with the printing of the ballots. The name so supplied for the vacancy shall, if the ballots are not already printed, be placed on the ballots in place of the name of the original nominee; or if the ballots have been printed, new ballots, whenever practicable, shall be furnished.



**449. New Ballots in Case of Vacancy.** | § 12. Whenever it may not be practicable to have new ballots printed it shall be the duty of the election officer having charge of the ballots to place the name supplied for the vacancy upon each ballot issued before delivering it to the voter; the name so supplied may be placed upon the ballots either by affixing a pasteur or by writing or stamping the name on the ballot; and to enable this to be done, the officer with whom the certificates of nomination are to be filed shall immediately furnish the name of such substituted nominee to all judges of election within the territory in which such nominee may be a candidate.

**450. Nominations Certified to Clerk.]** § 13. Not less than fifteen days before an election to fill any public office the Secretary of State shall certify to the county clerk of each county within which any of the electors may by law vote for such office, the name and description of each person nominated for such office, as specified in the certificates of nomination filed with the Secretary of State.

**451. Ballots—Form of.]** § 14. The names of all candidates to be voted for in each election district or precinct shall be printed on one ballot; all nominations of any political party or group of petitioners being placed under the party appellation or title of such party or group as designated by them in their certificates of nomination or petitions, or if none be designated, then under some suitable title, and the ballot shall contain no other names, except, that in case of electors for President and Vice-President of the United States, the names of the candidates for President and Vice-President may be added to the party or political designation. If a constitutional amendment or other public measure is submitted to a vote, such question shall be printed upon the ballot after the list of candidates, and words calculated to aid the voter in his choice of candidates or to answer any question submitted to

vote, may be added, such as: "Vote for one," "Vote for three," "Yes," "No," or the like. On the back or outside of the ballot, so as to appear when folded, shall be printed the words, "Official ballot," followed by the designation of the place for which the ballot is prepared, the date of the election and a *fac simile* of the signature of the clerk or other officer who has caused the ballots to be printed. The ballots shall be of plain white paper, through which the printing or writing cannot be read. The party appellation or title shall be printed in capital letters, not less than one-fourth of an inch in height and a circle one-half inch in diameter shall be printed at the beginning of the line in which such appellation or title is printed. The names of candidates shall be printed in capital letters not less than one-eighth nor more than one-fourth of an inch in height, and at the beginning of each line in which a name of a candidate is printed a square shall be printed, the sides of which shall not be less than one-fourth of an inch in length. The list of candidates of the several parties and groups of petitioners shall be placed in separate columns on the ballot in such order as the authorities charged with the printing of the ballots shall decide.

As nearly as practicable the ballot shall be in the following form:

<input type="radio"/>	DEMOCRATIC	<input type="radio"/>	REPUBLICAN.	<input type="radio"/>	PROHIBITION.
	For Governor,		For Governor,		For Governor,
<input type="checkbox"/>	JOHN M. PALMER.	<input type="checkbox"/>	JOSEPH W. FIFER.	<input type="checkbox"/>	DAVID H. HART'S.
	For Lieutenant Governor,		For Lieutenant Governor,		For Lieutenant Governor,
<input type="checkbox"/>	ANDREW J. BELL.	<input type="checkbox"/>	LYMAN B. RAY.	<input type="checkbox"/>	JOS. L. WHITLOCK.
	For Secretary of State.		For Secretary of State,		For Secretary of State;
<input type="checkbox"/>	NEWELL D. RICKS.	<input type="checkbox"/>	I. N. PEARSON	<input type="checkbox"/>	JAMES R. HANNA,

(And continuing in like manner as to all candidates to be voted for at such election.)

**452. Ballots—Distribution of.] § 15.** For all elections to which this act applies, the county clerks, in their respective counties, shall have charge of the printing of the ballots for all general elections, and shall furnish them to the judges of election; the city, town or village clerk shall have charge thereof and furnish them in all city elections, and the town clerk in counties under township organization shall have charge thereof and furnish the same in all town elections to which this act applies: *Provided*, that in cities, towns or villages having a board of election commissioners, such board shall have charge of the painting of the ballots and furnish them to the judges of election within the territory under their jurisdiction. Ballots shall be printed and in possession of the officer charged with their distribution at least two days before the election, and subject to the inspection of candidates and their agents; if any mistakes be discovered they shall be corrected without delay. The officer so charged with the printing of the ballots shall cause to be delivered to the judges of election at the polling place of each precinct or district, not less than twelve hours before the time fixed by law for the opening of the polls therein, one hundred ballots of the kind to be voted in such precinct or district for every fifty votes cast therein at the last preceding election for State officers; such ballots shall be put up in separate sealed packages, with marks on the outside clearly designating the polling place for which they are intended, and the number of ballots enclosed, and receipt therefor shall be given by the judges of election to whom they are delivered, which receipt shall be preserved by the officer charged with the printing of the ballots. The officer or authorities charged with the printing and distributing of the ballots shall provide and retain at his or their office an ample supply of ballots in addition to those distributed to the several voting precincts or districts, and if at any time, on or before the day of election, the ballots furnished to any precinct shall be lost, destroyed or exhausted before the polls are closed,

on written application signed by a majority of the judges of such precinct or district, or signed and sworn to by one of such judges, he shall immediately cause to be delivered to such judges, at the polling place, such additional supply of ballots as may be required and sufficient to comply with the provisions of this act.

**453. Constitutional Amendments, Etc.—Form of Submission.]** § 16. Whenever a constitutional amendment or other public measure is proposed to be voted upon by the people, the substance of such amendment or other public measure shall be clearly indicated upon the ballot, and two spaces shall be left upon the margin, one for votes favoring the amendment, or public measure, to be designated by the word “yes,” and for votes opposing the amendment or measure, to be designated by the word “no,” as in the form herein given:

Proposed amendment to the constitution giving judges a life term of office and making them appointive.	YES.	X
	NO.	

The elector shall designate his vote by a cross mark, thus (x).

**454. For General Assembly—Form of Ballot.]** § 17. It may be stated in the certificates of nomination of candidates for representatives in the General Assembly what number of votes it is desired shall be printed as given to such candidate or candidates, and in such case the ballots shall be so printed. In any case where the certificate of nomination does not so state, then no number of votes shall be printed on the ballots as to the candidate or candidates named in such certificates. In canvassing the vote for representatives in the General Assembly, if the ballot has been so marked as to indicate that the voter intends to vote for one person only for that office, it shall be counted three votes for that candidate; if it has been so marked as to indicate that the voter intends to vote for two persons for representatives it shall be counted one and one-

half votes for each of such candidates, unless otherwise on the ballot expressly stated; and if it has been so marked as to indicate an intention to vote for three persons for such office it shall be counted one vote for each of such candidates, unless otherwise on the ballot expressly stated; and if it has been so marked, as to indicate an attempt to vote for more persons for representatives than the voter is entitled to vote for, the votes for representatives on such ballot shall not be counted.

**455. Cards of Instructions.]** § 18. The officer or officers whose duty it is to have the ballots printed shall prepare full instructions for the guidance of voters at each election as to obtaining ballots, as to the manner of marking them and the method of gaining assistance and as to obtaining new ballots in place of those accidentally spoiled; and they shall respectively cause the same, together with copies of sections twenty-one (21), twenty-two (22), twenty-three (23), twenty-four (24), twenty-five (25), twenty-eight (28), and twenty-nine (29) of this act, to be printed in large, clear type, on separate cards, to be called cards of instruction; and such officer or officers shall furnish to the judges of election a sufficient number of such cards of instruction to enable the judges of election to comply with the provisions of this act.

**456. Posting Cards of Instruction and Specimen Ballots.]** § 19. The judges of election shall cause not less than one of such cards to be posted in each voting booth provided for the preparation of ballots, and not less than four of such cards to be posted in and about the polling places upon the day of election. Judges of election shall, not less than five days prior to an election, cause to be conspicuously posted, in five or more public places in their voting precinct or election district, a card of instruction and a specimen ballot printed on colored paper, containing the names, residence, and party or political affiliation of all candidates nominated as herein provided, and to be voted for in such precinct, substantially in the



form of the general ballot to be used herein, and they shall likewise cause to be published, prior to the day of election, in at least two newspapers, if there be so many published in such county, representing the political parties which cast at the preceding election the largest and next largest number of votes, a list of all the nominations made as herein provided and to be voted for at such election, as near as may be, in the form in which they shall appear upon the general ballot.

**457. Judges of Election to Furnish Ballots.] § 20.** The judges of election of their respective election precincts or election districts shall have charge of the ballots and furnish them to the voter as hereinafter set forth.

**458. Booths, Etc.] § 21.** All officers upon whom is imposed by law the duty of designing or providing polling places shall provide in each polling place so designated or provided a sufficient number of booths, which shall be provided with such supplies and conveniences, including shelves, pens, pen-holders, ink, blotters and pencils, as will enable the voter to prepare his ballot for voting, and in which voters may prepare their ballots, screened from all observation as to the manner in which they do so; and a guard rail shall be so constructed and placed that only such persons as are inside said rail can approach within six feet of the ballot box and of such voting booths. The arrangements shall be such that the voting booths can only be reached by passing within said guard rail. They shall be within plain view of the election officers, and both they and the ballot boxes shall be within plain view of those outside the guard rail. Each of said booths shall have three sides enclosed, one side in front, to open and shut by a door swinging outward, or to be closed with a curtain. Each side of each booth shall be seven feet high, and the door or curtain shall extend to within two feet of the floor, which shall be closed while the voter is preparing his ballot; and such booths shall be well lighted. Each booth shall be at least three

feet square, and shall contain a shelf at least one foot wide, at a convenient height for writing. No person other than the election officers and the challengers allowed by law, and those admitted for the purpose of voting as hereinafter provided, shall be permitted within the guard rail, except by authority of the election officers to keep order and enforce the law. The number of such voting booths shall not be less than one to every one hundred voters who voted at the last preceding election in the district. The expense of providing booths and guard rails and other things required in this act shall be paid in the same manner as other election expenses.

**459. Ballots From Judges — Registration — Challenge.]** § 22. Any person desiring to vote shall give his name and, if required to do so, his residence, to the judges of election, one of whom shall thereupon announce the same in a loud and distinct tone of voice, clear and audible; and if such name is found on the register of voters by the officer having charge thereof, he shall likewise repeat said name and the voter shall be allowed to enter the space enclosed by the guard rail, as above provided. One of the judges shall give the voter one, and only one, ballot, on the back of which such judge shall endorse his initials in such manner that they may be seen when the ballot is properly folded, and the voter's name shall be immediately checked on the register list. At all elections, when a registry may be required, if the name of any person so desiring to vote at such election is not found on the register of voters, he shall not receive a ballot until he shall have complied with the law prescribing the manner and conditions of voting by unregistered voters. If any person desiring to vote at any election shall be challenged, he shall not receive a ballot until he shall have established his right to vote in the manner provided by law. Besides the election officer not more than two voters in excess of the whole number of voting booths provided shall be allowed in said inclosed space at one time.

**460. Preparation of Ballot.] § 23.** On receipt of his ballot the voter shall forthwith, and without leaving the inclosed space, retire alone to one of the voting booths so provided and shall prepare his ballot by making in the appropriate margin or place a cross (X) opposite the name of the candidate of his choice for each office to be filled, or by writing in the name of the candidate of his choice in a blank space on said ticket, making a cross (X) opposite thereto; and in case of a question submitted to the vote of the people, by making in the appropriate margin or place a cross (X) against the answer he desires to give: *Provided, however*, if he shall desire to vote for all of the candidates of one political party or group of petitioners, he may place such mark at the appropriate place preceding the appellation or title under which the names of the candidates of such party or group of petitioners are printed, and the ballot so marked shall be counted as cast for all of the candidates named under that title: *Provided, further*, that the voter may place such mark at the appropriate place preceding the appellation or title of one party or group of petitioners and may also mark, at the appropriate place preceding the name or names of one or more candidates printed under the appellation or title of some other party or group of petitioners, and a ballot so marked shall be counted as cast for all the candidates named under the appellation or title which has been so marked, except as to the officers as to which he has placed such mark preceding the name or names of some other candidate or candidates printed under the title of some other party or group of petitioners, and as to such it shall be counted as cast for the candidate or candidates preceding whose name or names such mark may have been placed. Before leaving the voting booth the voter shall fold his ballot in such manner as to conceal the marks thereon. He shall then vote forthwith in the manner now provided by law, except that the number corresponding to the number of the voter on the poll books shall not be indorsed on the back

of his ballot. He shall mark and deposit his ballot without undue delay, and shall quit said inclosed space as soon as he has voted. No voter shall be allowed to occupy a voting booth already occupied by another, nor remain within said inclosed space more than ten minutes, nor to occupy a voting booth more than five minutes in case all of said voting booths are in use and other voters waiting to occupy the same. No voter, not an election officer, shall, after having voted, be allowed to re-enter said inclosed space during said election. No person shall take or remove any ballot from the polling place before the close of the poll. No voter shall vote, or offer to vote, any ballot except such as he has received from the judges of election in charge of the ballots. Any voter who shall, by accident or mistake, spoil his ballot, may, on returning said spoiled ballot, receive another in place thereof.

**461. Officers at Each Poll to Assist.] § 24.** Any voter who may declare upon oath that he cannot read the English language, or that by reason of any physical disability he is unable to mark his ballot shall, upon request, be assisted in marking his ballot by two of the election officers of different political parties, to be selected from the judges and clerks of the precinct in which they are to act, to be designated by the judges of election of each precinct at the opening of the polls. Such officers shall mark the ballot as directed by the voter, and shall thereafter give no information regarding the same. The clerks of election shall enter upon the poll lists after the name of any elector who received such assistance in marking his ballot a memorandum of the fact. Intoxication shall not be regarded as a physical disability, and no intoxicated person shall be entitled to assistance in marking his ballot.

**462. Employes to be Given Time to Vote.] § 25.** Any person entitled to vote at a general election in this State shall, on the day of such election, be entitled to absent himself

from any services or employment in which he is then engaged or employed for a period of two hours between the time of opening and closing the polls; and such voter shall not because of so absenting himself be liable to any penalty, nor shall any deduction be made on account of such absence from his usual salary or wages: *Provided, however*, that application for such leave of absence shall be made prior to the day of election. The employer may specify the hours during which said employe may absent himself as aforesaid. Any person or corporation who shall refuse to an employe the privilege hereby conferred, or shall subject an employe to a penalty or deduction of wages because of the exercise of such privilege, or who shall, directly or indirectly, violate the provisions of this section, shall be deemed guilty of a misdemeanor and be fined in any sum not less than five dollars (\$5) nor more than one hundred dollars (\$100).

**463. Defective Ballots, Etc.]** § 26. If the voter marks more names than there are persons to be elected to an office, or if for any reason it is impossible to determine the voter's choice for any office to be filled, his ballot shall not be counted for such office. No ballot without the official endorsement shall be allowed to be deposited in the ballot box, and none but ballots provided in accordance with the provisions of this act shall be counted. Ballots not counted shall be marked "defective" on the back thereof and ballots to which objection has been made by either of the judges or challengers shall be marked "objected to" on the back thereof, and a memorandum, signed by the judges, stating how it was counted, shall be written upon the back of each ballot so marked, and all ballots marked defective or objected to, shall be enclosed in an envelope securely sealed and so marked and endorsed as to clearly disclose its contents. All ballots not voted and all that have been spoiled by voters while attempting to vote shall be returned by the judges of election to the officer or authorities charged with the printing and distribution of the ballots and a receipt



taken therefor, and shall be preserved six months; such officer shall keep a record of the number of ballots delivered for each polling place, the name of the person to whom and the time when delivered, and he shall also enter upon such record the number and character of ballots returned, with the time when and the person by whom they are returned.

**464. Canvass—Proclamation—Preservation of Ballots.]** § 27. When the canvass of the ballots shall have been completed, as now provided by law, the clerks shall announce to the judges the total number of votes received by each candidate; each judge of election in turn shall then proclaim in a loud voice the total number of votes received by each of the persons voted for and the office for which he is designated, and the number of votes for and the number of votes against any proposition which shall have been submitted to a vote of the people; such proposition shall be prima facie evidence of the result of such canvass of the ballots. Immediately after making such proclamation, and before separating, the judges shall fold in two folds, and string closely upon a single piece of flexible wire, all ballots which have been counted by them, except those marked "objected to," unite the ends of such wire in a firm knot, seal the knot in such manner that it cannot be untied without breaking the seal, enclose the ballots so strung in an envelope and securely tie and seal such envelope with official wax impression seals, to be provided by the judges, in such manner that it cannot be opened without breaking the seals, and return said ballots, together with the package containing the ballots marked 'defective or objected to,' in such sealed package or envelope, to the proper clerk or to the board of election commissioners, as the case may be, and such officer shall carefully preserve said ballots for six months, and at the expiration of that time shall destroy them by burning without previously opening the package or envelope. Such ballots shall be destroyed in the

presence of the official custodian thereof, and two electors of approved integrity and good repute and members respectively of the two leading political parties. The said electors shall be designated by the county judge of the county in which such ballots are kept: *Provided*, that if any contest of the election of any officer voted for at such election shall be pending at the expiration of said time, the said ballots shall not be destroyed until such contest is finally determined. In all cases of contested elections the parties contesting the same shall have the right to have said ballots opened and to have all errors of the judges in counting or refusing to count any ballot corrected by the court or body trying such contest; but such ballots shall be opened only in open court or in open session of such body and in the presence of the officer having the custody thereof.

**465. Electioneering Prohibited—Penalty.]** § 28. No person whatever shall do any electioneering or soliciting of votes on election day within any polling place or within one hundred (100) feet of any polling place; no person shall interrupt, hinder or oppose any voter while approaching the polling place for the purpose of voting. Whoever shall violate the provisions of this section shall be punished by a fine of not less than twenty-five dollars (\$25) nor more than one hundred dollars (\$100) for each and every offense; and it shall be the duty of the judges of election to enforce the provisions of this section.

**466. Ballots Secret—Interference With Voter—Penalty.]** § 29. Any voter who shall, except as herein otherwise provided, allow his ballot to be seen by any person with an apparent intention of letting it be known how he is about to vote, or who shall make a false statement as to his inability to mark his ballot, or any person who shall interfere, or attempt to interfere, with any voter when inside said enclosed space, or when marking his ballot, or shall endeavor to induce

any voter before voting to show how he marks or has marked his ballot, shall be punished by a fine of not less than five dollars (\$5), nor more than one hundred dollars (\$100), and it shall be the duty of the election judges to enforce the provisions of this section.

**467. Destroying Posters, Etc.—Hindering Voter—Penalty.]** § 30. Any person who shall, prior to an election, willfully destroy or deface any list of candidates posted in accordance with the provisions of this act, or who, during an election shall willfully deface, tear down, remove or destroy any card of instructions or specimen ballot printed and posted for the instruction of voters, or who shall, during an election, willfully remove or destroy any of the supplies or conveniences furnished to enable voters to prepare their ballots, or shall willfully hinder the voting of others, shall be punished by a fine not less than ten dollars (\$10) nor more than one hundred dollars (\$100).

**468. Destroying Nomination Paper—Counterfeit Ballot—Penalty.]** § 31. Any person who shall falsely make or willfully destroy any certificate of nomination or nomination papers, or any part thereof, or any letter of withdrawal, or file any certificate of nomination or nomination paper, knowing the same or any part thereof to be falsely made, or suppress any certificate of nomination or nomination paper, or any part thereof, which has been duly filed, or forge or falsely make the official indorsement on any ballot, or shall take from the polling place any official ballot, or substitute therefore any spurious or counterfeit ballot, or make, use, circulate, or cause to be made or circulated, as an official ballot, any paper printed in imitation or resemblance thereof, or willfully destroy or deface any ballot, or willfully delay the delivery of any ballots, shall be punished by a fine not less than one hundred (\$100) dollars and not exceeding one thousand (\$1,000) dollars, or by imprisonment in the penitentiary not less than one

year and not exceeding five years, or by both such fine and imprisonment.

**469. Official Neglect—Penalty.] § 32.** Any public officer upon whom a duty is imposed by this act, who shall willfully neglect to perform such duty, or who shall willfully perform it in such a way as to hinder the object of this act, shall be punished by a fine of not less than \$5 nor more than \$1,000, or by imprisonment in the penitentiary for not less than one year and not exceeding five years, or by both such fine and imprisonment.

**470. This Act in Pamphlet With Forms and Instructions.] § 33.** It shall be the duty of the Secretary of State, with the aid and advice of the Attorney General, to cause one thousand copies of this act to be printed immediately, in pamphlet form, with all necessary forms and instructions, to assist election officers to carry it into effect, and to distribute the same through the county clerks of the several counties of the State.

**471. Opening and Closing Polls.] § 34.** At all elections to which this act applies, except at elections held in cities, villages and incorporated towns which have heretofore adopted or may hereafter adopt the provisions of an act entitled "An act regulating the holding of elections and declaring the results thereof in cities, villages and incorporated towns," approved June 19, 1885, the polls shall be opened at seven o'clock in the morning and shall be closed at five in the evening.

**472. Repeal.] § 35.** All acts and parts of acts inconsistent with the provisions of this act are hereby repealed: *Provided*, that this act shall not be construed to repeal an act entitled "An act regulating the holding of elections and declaring the results thereof in cities, villages and incorporated towns," approved June the 19th, 1885; or any of the amendments thereto; but all elections in cities, villages and incorpo-

rated towns which may have heretofore adopted or may hereafter adopt the said act shall be held in accordance with the provisions of the aforesaid act, except as to the manner of making nominations for office, the manner of providing, printing and distributing ballots, the form of ballots, the arrangement and the furnishing of polling places and voting booths, and the manner of voting and the numbering and preserving of ballots, all of which shall be in conformity with the provisions of this act. No penalty provided for a violation of any of the provisions of this act shall be construed as a substitute for or repeal of any penalty provided in the aforesaid acts of June 19, 1885, for a violation of any of the provisions of this act.

**473. Act to be Printed in Newspapers.] § 36.** It shall be the duty of the board of supervisors of each county under township organization, and of the board of county commissioners in counties not under township organization, at their first meeting after the passage of this act, to select two newspapers, one from each of the two political parties casting the greatest number of votes for State Treasurer at the election in 1890, in which this law shall be published: *Provided*, that the pay for such publication shall be fixed by said board of supervisors or county commissioners, but in no case shall it exceed the sum of thirty dollars to each newspaper publishing the same. When the board of supervisors or county commissioners have selected the newspapers in which the law shall be published, it shall be the duty of the county clerk to certify such action to the Secretary of State, who shall at once furnish to each of said papers a copy of the law, and upon the receipt of the Secretary of State of a copy of said paper, with an affidavit of the publisher or business manager that the law was published in each and every copy of said paper on a certain date (which shall not be later than thirty days after its receipt from the Secretary of the State), the Secretary of State shall certify the amount fixed for the payment for the publication of this law in said paper to the Auditor of Public Accounts.



who shall draw his warrant on the Treasurer for the sums named: *Provided*, that the non-publication of this law, as herein provided, shall not invalidate the law.

APPROVED June 22, 1891.

### PRIMARY.

AN ACT to regulate primary elections of voluntary political associations, and to punish frauds therein. [Approved June 6, 1889. In force July 1, 1889.]

**474. When Primary Elections to be Held Under This Act.]** § 1. That all elections hereafter to be holden by any voluntary political association or party, for any candidate for any office, or for any delegates or managing committee, or for the nomination of candidates for public office, shall be held under the provisions of this act, whenever any committee or body authorized by the rules or customs of such political association, shall elect to accept and act under such provisions.

**475. Desire Must be Expressed by a Resolution.]** § 2. Whenever it shall be the desire of any such committee or body that such election shall be held under the provisions of this act, such desire and acceptance shall be expressed by a resolution duly passed by such committee or body, which resolution shall state that such election will be held under the provisions of this act under the title of "Primary Election Law."

**476. Committee—Time and Place of Election.]** § 3. Said committee or body shall fix the time and place of holding such election and the hours between which the polls are to be kept open, and the polls shall, in all cases, be kept open from one o'clock P. M. to 7 o'clock P. M., of the day on which the election is held; they shall also appoint three reputable persons to act as judges, and two reputable persons to act as clerks at each polling place: *Provided*, that in cities and towns or villages where there is a board of election commissioners having jurisdiction of general elections, said central or controlling

committee shall select the judges and clerks from the list of regular election judges and clerks in each ward, or voting district, to serve at such primary election, representing the political association or party calling said primary election. Said judges and clerks, together with the central committeeman, who acted with the central or controlling committee in calling said primary election, shall be ineligible as delegates, alternates or proxy at such primary election, or allowed to sit as such in any convention, meeting or caucus, held for the election to which said primary election or elections is being held.

**477. Notice of Election Under This Act—What to Contain.]** § 4. At least ten days prior to any such election a notice of such election shall be published in some newspaper or newspapers of general circulation in the district, ward, precinct, township, city or county in and for which the election is called; such notice must be signed by the secretary of the committee or body calling such election, and must state the purpose, time, together with the place or places of holding such election, with a description of each primary election district, and the three persons shall be named therein who are appointed for each polling place to act as judges, and two persons to act as clerks of said election, and who shall supervise or preside at such election in the primary election district for which they are respectively appointed, and such judges and clerks shall be legal voters and householders in one of the regular election precincts within the primary election district for which they are named. Such notice shall also declare that such election therein called will be held in pursuance of, and subject to, the provisions of this act, under the title of "Primary Election Law," and any election held in pursuance of any notice calling for an election under the "Primary Election Law," shall be taken and deemed to be an election under this law.

**478. Judges—Clerks—Oaths—Duties—Penalty.] § 5.** The persons named as judges and clerks of election in the notice required by section four of this act, or any persons assuming or chosen to be such judges and clerks in the absence, refusal or failure to act of any of the judges or clerks named in such notice, shall first make oath or affirmation that they are legal voters and householders in one of the regular election precincts within the primary election district for which they were appointed to serve; that they will faithfully and correctly conduct such election, protect it against all frauds and unfairness, carefully and truly canvass all votes cast thereat, and in every way conform to the provisions of this act, and of the notice for the election, which oath may be administered by any one of the judges, or by any person authorized under the laws of the State to administer oaths. And if one or all of the judges appointed to serve at the election be absent, or fail or refuse to serve at the hour appointed for the election to begin, then the electors present to the number of not less than five, possessing the qualifications of persons entitles to vote at said election, shall choose a person or persons to fill any vacancy that may exist. Any violation of the provisions of this section shall be deemed a misdemeanor, and shall subject the offender on conviction to punishment by a fine of not less than fifty dollars nor more than two hundred dollars or by imprisonment in the county jail not less than one nor more than six months, or by both such fine and imprisonment in the discretion of the court.

**479. Who May Vote—Commissioners—Lists—Penalty for Voting Contrary to This Act.] § 6.** Every legal voter entitled to vote at regular elections within any election precinct, included within the primary district of which he is a resident and who is a member of the political association or party holding the primary election, shall be entitled to vote at such primary election: *Provided*, that in cities, towns or villages where there is a board of election commissioners having jurisdiction of general elections, no person shall be allowed

to vote unless he shall be a member of the political party or association holding such primary election and shall, upon demand give the judges his name and place of residence, and he shall state upon like demand (if made) that he has not voted at any other primary election held by any other political association or party for a period of one year prior to the date of the primary election then held. He shall not have voted at this or any other poll at any primary election held that day, nor shall he be allowed to vote unless, in addition to the qualifications hereinbefore prescribed, he is a registered voter in one of the election precincts contained within the primary election district wherein he resides, and it shall be the duty of the board of election commissioners to furnish and distribute among the judges of every primary election held under this act, complete lists of the registered voters in each election precinct contained within their respective primary election districts. Any person who is not a member of the political association or party holding a primary election who votes at such primary election shall be deemed guilty of a misdemeanor and shall be subject, on conviction, to punishment by a fine of not less than fifty dollars, nor more than two hundred dollars, or by imprisonment in the county jail not less than six months or by both such fine and imprisonment in the discretion of the court; and in any prosecution for the violation of the provisions of this act, wherein the fact as to the political party or association to which the defendant belongs is material such membership may be shown by evidence of general reputation in the neighborhood where said defendant resided at the time of committing the alleged offense as to the political party or association to which he belonged.

**480. Committee to Divide District—Number of Voters In.]** § 7. The committee or body electing to hold a primary election under this act, shall divide the district, ward, township, city, town or village into primary election districts. Such primary election districts shall be formed of contiguous

election precincts in as nearly compact form and as nearly equal as circumstances will permit; and no such primary election district shall be formed which shall contain more than 800 voters of the political association or party holding the primary election, the number of such voters to be determined by the vote cast at the last preceding presidential election. At any primary election held under this act, the voters of each of such primary election districts entitled to vote at such election shall choose their own representatives or delegates.

**481. Judges May Hear Objections—Oath—Registered Voter—Challenge—Penalty.]** § 8. It shall be the duty of the judges of said election to entertain objections made by any qualified elector, within his own primary election district, to any vote which may be offered, on the ground that the person offering it is not a citizen of the United States, or a legal resident and voter under the general election laws of the State, of the election precinct, ward, township, district, city, town or village for which the election is held; or that he is not a member of the association or party holding such election, or in case such person offering to vote should be registered by the terms of this act, that he is not a registered voter or that he has received or been promised, directly or indirectly, any money, fee or reward for his vote for any candidate, or that he has voted before at that place or some other place on that day, or at the same election; and it shall be the duty of one of the judges of the election, if such objection be not withdrawn, to administer to the person so offering to vote, an oath or affirmation to the general effect that he will truly testify to all matters relating to his qualifications under the general election laws of the State, to his residence, citizenship, the political party or association to which he belongs, receiving or being promised directly or indirectly, any money, fee or reward for his vote from any candidate, or any other person, or whether he had voted at that or any other place on that day at such election, either in his own name or that of another, or under an assumed name.



It shall then be the duty of the judges to interrogate the persons so objected to all matters in particular upon which said objection was made, and, generally, as to all of his qualifications as an elector at such election. If the person so objected to shall refuse to answer any questions asked, after said oath or affirmation shall have been administered, or shall refuse to take such oath, it shall be the duty of the judges to reject such vote, and they shall also reject such vote unless such person shall file with them a written or printed, or partly written or printed, statement by him, signed under oath, that he is a qualified voter of the election district in which such election is held, and entitled to vote at such election; and unless such statement shall be accompanied by a similar statement of some person known to at least one of the judges to be a qualified voter in that district, to the effect that he knows the person so challenged, and that his statement is true, which said last statement must also be subscribed by the party making it. Such statement must, in all cases, expressly state that the person making it is a member of the political association or party holding the election. If such statements shall be filed and such oath be taken, and such questions answered in such a manner as to show that the applicant is qualified to vote at such election, it shall be the duty of the judges of the election to receive such vote, and the word "sworn" shall be noted opposite the person's name on the poll lists, to be kept as hereinafter provided. Any violations of the provisions of this section by the judges of this election, or either of them, shall be deemed a misdemeanor, and upon conviction, shall subject the party so offending to punishment by a fine of not less than one hundred dollars nor more than three hundred dollars, or by imprisonment in the county jail for not less than two nor more than six months, or both such fine and imprisonment, in the discretion of the court; and any person who shall upon taking such oath or affirmation, and under the examination herein authorized, or in the written statements herein required, will-

fully make a false statement as to a matter pertinent and material in such examination, and shall be deemed guilty of perjury, and upon conviction thereof, be punished as prescribed by law for such offense.

**482. Offenses and Penalties.] § 9.** Whoever fraudulently votes more than once at any primary election, or offers to vote after having voted once at such election, or knowing that he is not a qualified voter at such election, willfully votes or offers to vote at such election; or

Second—Willfully aids or abets any one not qualified to vote at such primary election in voting or attempting to vote at such election; or

Third—By offering a reward or bribe, or by treating or giving to him any spirituous, malt or other liquors, either directly or indirectly, influences or attempts to influence any voter in giving or withholding his vote at such election; or

Fourth—Furnishes a voter with a ticket or ballot informing him that it contains a name or names different from those which appear thereon, with intent to induce him to vote contrary to his intentions; or

Fifth—Fraudulently or deceitfully changes a ballot of a voter with intent to prevent such voter from voting for such person as he intended; or

Sixth—Endeavors to prevent the voting of any voter, or the exercise of lawful influence by any person over a voter at such election for himself or for or against any person, by means of violence or threats of violence, or threats of withdrawing custom, or dealing in business or trade, or enforcing the payment of a debt, or bringing a suit or criminal prosecution, or any other threat of injury to be inflicted by him or by such means; or

Seventh—By bribery or corrupt or unlawful means prevents or attempts to prevent any voter from attending or voting at such election; or

Eighth—Gives or offers to give any valuable thing or bribe to any judge or clerk of such election, as a consideration for some act to be done or admitted to be done contrary to his duty in relation to such election, or shall interfere with or disturb in any manner, any election held under the provisions of this act, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by a fine not exceeding five hundred dollars, or by imprisonment in the county jail not less than two nor more than six months, or both such fine and imprisonment, in the discretion of the court.

**483. Qualifications—Limitation — Challengers — Poll List.]** § 10. The judges of such primary election or elections shall not require any other or further qualifications of voters at such primary election than those provided in this act, and they shall permit a challenger for each adverse interest or party in the result of such primary election, to be and remain within each polling place, where such primary election is being held, and give ample time and opportunity to any challenger or any other person to challenge each vote as the same is presented; said challengers shall be residents of the primary districts for which they are chosen. The poll list shall contain the name of each voter, with his residence, in the order which the votes were cast, and the judges and clerks shall see to it that the ballot cast by each voter shall receive the same number that is entered opposite the name of such voter on such poll list, in the order of and as the votes are cast.

**484. Form of Poll and Tally Lists.]** § 11. The following is substantially the form of the poll lists and tally lists to be kept by the judges of election:

## POLL LIST.

Of the primary election held in the..... primary election district of the  
 .....ward of.....in the county of....., on the.....day of.....  
 in the year..... A B, C D and E F, judges, and A B and C D, clerks of said.....  
 .....election, were respectively sworn (or affirmed) as the law directs previous to their  
 entering on the duties of their respective offices.

Number and name of electors voting:

No.	Name and residence	No.	Name and residence
1.	A B	3.	E F.
2.	C D.	4.	G H.

We hereby certify that the number of electors voting at this election is.....

A B.

A B.

C D.

C D.

*Clerks.*

E F.

*Judges of Election.*

## TALLY LIST.

Name of persons voted for and for what position, and number of votes given for each candidate.

We hereby certify that A B had.....votes for....., and C D had .....votes for.....; that E F had.....votes for....., etc.

A B,

A B,

C D,

C D,

E F.

E F.

*Clerks.*

*Judges of Election.*

**485. Oaths.] § 12.** Any one of the judges may administer and certify oaths required to be administered during the progress of an election held under this act.

**486. How Ballots Printed.] § 13.** When the primary election is held for the election of delegates the ballots shall be written or printed, or partly written and partly printed, and when printed or partly printed and partly written they shall be upon plain white paper without distinguishing marks, the paper to be common print paper, and the ballots to be 3½ by 6 inches in size.

**487. Ballot Boxes—How Kept.] § 14.** Before receiving any ballots the board must, in the presence of the persons assembled at the polling place, open and exhibit, and then close the ballot box; and thereafter it must not be removed from the polling place, nor the view of the bystanders until all the ballots are counted, nor must it be opened until after the polls are finally closed.

**488. Proclamation.] § 15.** Before the judges receive any ballots, they must cause it to be proclaimed aloud, at the place of election, that the polls are open.

**489. Closing the Polls.] § 16.** Fifteen minutes before the time when the polls are to be closed the fact must be pro-

claimed aloud at the place of election, and after the polls are closed no ballots must be received.

**490. Canvass—How Made.] § 17.** As soon as the polls are finally closed the judges and clerks must immediately proceed to canvass the votes given at such election. The canvas must be public, in the presence of the bystanders, and must be continued without adjournment until completed, and the result thereof is declared, and must also be conducted at the polling place where the election is held, where, also, the result as to each candidate voted for must be, immediately on the completion of such canvass, publicly proclaimed by each one of the judges successively, in a loud voice, and such proclamation shall be *prima facie* evidence of the result.

**491. Judges Conducting the Canvass.] § 18.** In conducting the canvass, the judges shall first count the whole number of ballots in the box, and if the number of such ballots shall be found to exceed the number of names entered on the polling lists they shall reject the ballots, if any be found upon which no number is marked, or so many thereof, without opening the same or examining or looking at the names thereon, as may be necessary to make the number of ballots correspond to the number of names entered on the polling lists; but, if the number of ballots, after rejecting all the unnumbered ballots, still exceeds the number of names entered on the polling lists, they shall be replaced in the box, and one of the judges shall publicly draw out and destroy so many ballots, unopened, and without examining them, as shall be equal to such excess.

**492. Judges Certificate to Tally Lists.] § 19.** The number of ballots agreeing, or being thus made to agree, with the number of names on the list, the lists must be signed by the judges and clerks of election, and the number of names thereon must be set down in words and figures at the foot of



each list, and over the signatures of the judges, substantially in the form prescribed in section eleven.

**493. Count of Ballots.] § 20.** After the lists are thus signed, the judges must proceed to count and ascertain the number of votes cast for each person voted for. The ballots must be taken out and opened by one of the judges, and by him distinctly read aloud and inspected by the other two judges.

**494. Poll Lists—What to Show.] § 21.** The clerks must write down each office or position to be filled, and the name of each person voted for to fill such office, and keep the number of votes for each person for each office by tallies as they are read aloud.

**495. Certificate of Result.] § 22.** As soon as all the votes are counted, there must be attached to the tally lists containing the names of the persons voted for and for what office, and the number of votes given for each candidate, the number being written at full length, and such lists must be signed by the judges and clerks, substantially in the form given in section eleven.

**496. Deposit of Poll and Tally Lists.] § 23.** After counting the votes, proclaiming the result, and signing the lists, as above provided, and cause the statements provided for in section eight, and one copy of the lists to be delivered to the secretary signing the notice of election, and one of the judges must retain the other lists together with the ballots, for twenty days after the election, and such statements and lists returned to the said secretary shall be by him, after the expiration of twenty days, delivered to the county clerk of the county in which such election was held, and by that officer kept with the other books and papers of his office, open like other public records to public inspection, for the space of three months, at the end of which time, if no legal proceedings have been

instituted, in which such lists or statements may be useful as evidence, said county clerk may then destroy the same.

**497. Certificate to Successful Candidate.]** § 24. The primary election judges or a majority of them must issue certificates of election to all persons who are chosen to fill any position by the vote of their primary election district.

**498. Penalties—Not Otherwise Declared.]** § 25. If any person shall be guilty of any violation of this act, for which no punishment is herein especially provided for, he shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than fifty dollars, nor more than two hundred dollars, or imprisoned in the county jail not less than one month nor more than six months, or punished by both such fine and imprisonment, in the discretion of the court.

**499. Repeal.]** § 26. An act to regulate primary elections of voluntary political associations and to punish frauds therein, approved June 22, 1885, is hereby repealed.

AN ACT to prevent and punish illegal voting at primary elections.  
Approved June 29, 1885. In force July 1, 1885.

**500. Who May Vote At.]** § 1. That it shall be unlawful for any person to vote at any primary election, or at any election called to select delegates to any convention, called either for the purpose of nominating a candidate or candidates for any elective office, or for the purpose of selecting other delegates to such convention, unless such person so voting or offering to vote, would be a qualified elector in the district embraced within the call for said primary election, if the same was a general or special election, held under and in conformity with the general election laws of this State.

**501. Violating Act—Penalty.]** § 2. Any persons violating the provisions of this act, shall, on conviction thereof, be fined in any sum not less than one hundred, nor more than

five hundred dollars, or imprisoned in the county jail not less than three nor more than six months, or both in the discretion of the court.

### 13. EMINENT DOMAIN.

Section.

- 502. Compensation—Jury.
- 503. Proceedings—Parties.
- 504. Petition in Vacation.
- 505. Service—Notice.
- 506. Hearing.
- 507. Jury in Vacation.
- 508. Impaneling Jury.
- 509. Oath of Jury.
- 510. View of Premises—Verdict.

Section.

- 511. Judgment—Payment.
- 512. Cross Petition.
- 513. Appeal.
- 514. Bond—Use of Premises.
- 515. Payment to County Treasurer, Etc.
- 516. Judgment Entered.
- 517. Repeal.
- 518. Lands of State Institution Not Taken.

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AN ACT to provide for the exercise of the right of eminent domain.  
[Approved April 10, 1872. In force July 1, 1872.]

**502. Compensation—Jury.] § 1.** That private property shall not be taken or damaged for public use without just compensation; and that in all cases in which compensation is not made by the State in its corporate capacity, such compensation shall be ascertained by a jury, as hereinafter prescribed.

**503. Proceedings—Parties.] § 2.** That in all cases where the right to take private property for public use, without the owner's consent, or the right to construct or maintain any public road, railroad, plankroad, turnpike road, canal or other public work or improvement, or which may damage property not actually taken, has been heretofore or shall hereafter be conferred by general law or special charter upon any corporate or municipal authority, public body, officer or agent, person, commissioner or corporation, and the compensation to be paid for or in respect of the property sought to be appropriated or damaged for the purpose above mentioned cannot be agreed upon by the parties interested, or in case the owner of the property is incapable of consenting, or his name or residence is unknown, or he is a non-resident of the State, it shall be lawful for the party authorized to take or damage the prop-

erty so required, or to construct, operate and maintain any public road, railroad, plankroad, turnpike road, canal or other public work or improvement, to apply to the judge of the circuit or county court, either in vacation or term time, where the said property or any part thereof is situate, by filing with the clerk a petition, setting forth, by reference, his or their authority in the premises, the purpose for which said property is sought to be taken or damaged, a description of the property, the names of all persons interested therein as owners or otherwise, as appearing of record, if known, or if not known stating that fact, and praying such judge to cause the compensation to be paid to the owner to be assessed. If the proceedings seek to affect the property of persons under guardianship, the guardians, or conservators of persons having conservators, shall be made parties defendant, and if of married women their husbands shall also be made parties. Persons interested, whose names are unknown, may be made parties defendant by the description of the unknown owners; but in all such cases an affidavit shall be filed by or on behalf of the petitioner, setting forth that the names of such persons are unknown. In cases where the property is sought to be taken or damaged by the State for the purpose of establishing, operating or maintaining any State house or State charitable or other State institutions or improvements, the petition shall be signed by the governor or such other person as he shall direct, or as shall be provided by law.

**504. Petition in Vacation.]** § 3. If such petition be presented to a judge in vacation, the judge shall note thereon the day of presentation, and shall also note thereon the day when he will hear the same, and shall order the issuance of summons to each resident defendant, and the publication of notice as to each non-resident defendant, and the clerk of the court shall at once issue the summons and give the notices accordingly.

**505. Service—Notice ]** § 4. Service of such summons and publication of such notice shall be made as in cases in chancery.

**506. Hearing.]** § 5. Causes may be heard by such judges in vacation as well as in term time, but no cause shall be heard earlier than ten days after service upon defendant, or upon due publication against non-residents.

**Several Tracts.]** Any number of separate parcels of property, situate in the same county, may be included in one petition, and the compensation for each shall be assessed separately, by the same or different juries, as the court or judge may direct.

**Amendments.]** Amendments to the petition, or to any paper or record in the cause, may be permitted whenever necessary to a fair trial and final determination of the questions involved.

**New Parties—Practice.]** Should it become necessary at any stage of the proceedings to bring a new party before the court or judges, the court or judge shall have the power to make such rule or order in relation thereto as may be deemed reasonable and proper; and shall also have power to make all necessary rules and orders for notice to parties of the pendency of the proceeding, and to issue all process necessary to the execution of orders and judgments as they may be entered.

**507. Jury in Vacation.]** § 6. In cases fixed for hearing of petition in vacation, it shall be the duty of the clerk of the court in whose office the petition is filed, at the time of issuing summons or making publication, to write the names of each of sixty-four disinterested freeholders of the county on sixty-four slips of paper, and, in presence of two disinterested freeholders, cause to be selected from said sixty-four names twelve of said persons to serve as jurors—such selection to be made by lot and without choice or discrimination; and the said clerk shall thereupon issue *venire*, directed to the sheriff



of his county, commanding him to summon the twelve persons so selected as jurors to appear at the court house in said county, at a time to be named in the *venire*.

**508. Impaneling Jury.]** § 7. The petitioner, and every party interested in the ascertaining of compensation, shall have the same right of challenge of jurors as in other civil cases in the circuit courts. If the panel be not full by reason of non-attendance, or be exhausted by challenges, the judge hearing such petition shall designate by name the necessary number of persons, of proper qualification, and the clerk or justice shall issue another *venire*, returnable instanter, and until the jury be full.

**509. Oath of Jury.]** § 8. When the jury shall have been so selected, the court shall cause the following oath to be administered to said jury:

You and each of you do solemnly swear that you will well and truly ascertain and report just compensation to the owner (and each owner) of the property which it is sought to take or damage in this case, and to each person therein interested, according to the facts in the case, as the same may be made to appear by the evidence, and that you will truly report such compensation so ascertained; so help you God.

**510. View of Premises—Verdict.]** § 9. Said jury shall, at the request of either party, go upon the land sought to be taken or damaged, in person, and examine the same, and after hearing the proof offered make their report in writing, and the same shall be subject to amendment by the jury, under the direction of the court or the judge, as the case may be, so as to clearly set forth and show the compensation ascertained to each person thereto entitled, and the said verdict shall thereupon be recorded: *Provided*, that no benefits or advantages which may accrue to lands or property affected shall be set off against or deducted from such compensation, in any case.

**511. Judgment—Payment.]** § 10. The judge or court shall, upon such report proceed to adjudge and make such order as to right and justice shall pertain, ordering that petitioner enter upon such property and the use of the same,

upon payment of full compensation, as ascertained as aforesaid; and such order, with evidence of such payment, shall constitute complete justification of the taking of such property.

**512. Cross Petition.]** § 11. Any person not made a party may become such by filing his cross petition, setting forth that he is the owner or has an interest in property, and which will be taken or damaged by the proposed work; and the rights of such last named petitioner shall thereupon be fully considered and determined.

**513. Appeal.]** § 12. In all cases, in either the circuit or county court, or before a circuit or county judge, an appeal shall lie to the supreme court.

**514. Bond—Use of Premises.]** § 13. In cases in which compensation shall be ascertained as aforesaid, if the party in whose favor the same is ascertained shall appeal such proceeding, the petitioner shall, notwithstanding, have the right to enter upon the use of the property upon entering into bond, with sufficient surety, payable to the party interested in such compensation, conditioned for the payment of such compensation as may be finally adjudged in the case, and in case of appeal by petitioner, petitioner shall enter into like bond with approved surety. Said bonds shall be approved by the judge before whom such proceedings shall be had, and executed and filed within such time as shall be fixed by said judge.

**515. Payment to County Treasurer, Etc.]** § 14. Payment of compensation adjudged may, in all cases, be made to the county treasurer, who shall, on demand, pay the same to the party thereto entitled, taking receipt therefor, or payment may be made to the party entitled, his, her or their conservator or guardian.

**516. Judgment Entered.]** § 15. The court or judge shall cause the verdict of the jury and the judgment of the court to be entered upon the records of said court.

**517. Repeal.] § 16.** All laws and parts of laws in conflict with the provisions of this act are hereby repealed: *Provided*, that this act shall not be construed to repeal any law or part of law upon the same subject passed by this general assembly; but in all such cases this act shall be construed as providing a cumulative remedy.

AN ACT for the further protection of the state institutions. [Approved and in force March 9, 1867.

**518. Lands of State Institutions Not Taken.] § 1.** No part of any land heretofore or hereafter conveyed to the state of Illinois, for the use of any benevolent institutions of the state (or to any such institutions), shall be entered upon, appropriated or used by any railroad or other company for railroad or other purposes, without the previous consent of the general assembly; and no court or other tribunal shall have or entertain jurisdiction of any proceeding instituted or to be instituted for the purpose of appropriating any such land for any of the purposes aforesaid, without such previous consent.

#### 14. EVIDENCE.

##### Section.

519. Records, Etc., of Cities, Etc.—How Certified.

520. Form of Certificate.

##### Section.

521. Sworn Copies.

522. Penalty.

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AN ACT in regard to evidence and depositions in civil cases. [Approved March 29, 1872. In force July 1, 1872.

**519. Records, Etc., of Cities, Etc. — How Certified.] § 14.** The papers, entries, records and ordinances, or parts thereof, of any city, village, town or county, may be proved by a copy thereof, certified under the hand of the clerk or the keeper thereof, and the corporate seal, if there be any; if not, under his hand and private seal.

**520. Form of Certificate.] § 16.** The certificate of any such clerk of a court, city, village, town, county, or secretary,

clerk, cashier, or other keeper of any such papers, entries, records or ordinances, shall contain a statement that such person is the keeper of the same, and if there is no seal, shall so state.

**521. Sworn Copies.]** § 18. Any such papers, entries, records and ordinances may be proved by copies examined and sworn to by credible witnesses.

**522. Penalty.]** § 19. If any such officer, clerk, secretary, cashier, justice of the peace, or other person authorized to certify copies of any papers, entries, records or ordinances, shall knowingly make a false certificate, he shall be punishable in the same manner as if he were guilty of perjury.

## 15. FIRE ESCAPES.

### Section.

523. Fire-Escapes to be Put on Certain Buildings Within Six Months—Kind of.

524. On Buildings Hereafter Erected.

525. Owner may be Compelled to Erect—Proceedings.

### Section.

526. Owner Failing to Erect on Notice—Penalty.

527. Fines—How Applied.

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AN ACT relating to fire-escapes for buildings. Approved June 29, 1885.  
In force July 1, 1885.

**523. Fire-Escapes to be Put on Certain Buildings Within Six Months—Kind of.]** § 1. That within six (6) months next after the passage of this act, all buildings in this State which are four or more stories in height, excepting such as are used for private residences exclusively, but including flats and apartment buildings, shall be provided with one or more metallic ladder or stair fire-escapes attached to the outer walls thereof and extending from, or suitably near the ground, to the uppermost story thereof, and provided with platforms of such form and dimensions, and in such proximity to one or more windows of each story above the first, as to render access to such ladder or stairs from each such story, easy and

safe; the number, location, material and construction of such escapes to be subject to the approval of the board of supervisors in counties under township organization, and the board of county commissioners in counties not under township organization, except in villages, towns and cities organized under any general or special law of this State, such approval shall be had by the corporate authorities of such villages, towns and cities: *Provided, however,* that all buildings, more than two stories in height, used for manufacturing purposes or for hotels, dormitories, schools, seminaries, hospitals or asylums; shall have at least one such fire-escape for every fifty (50) persons for which, working, sleeping or living accommodations are provided above the second stories of said buildings; and that all public halls, which provide seating room above the first or ground story shall be provided with such numbers of said ladder or stair fire-escapes as the boards of supervisors or commissioners or corporate authorities aforesaid may direct.

**524. On Buildings Hereafter Erected.] § 2.** All buildings of the numbers of stories and used for the purposes set forth in section one (1) of this act, which shall be hereafter erected within this State, shall upon or before their completion, each be provided with fire-escapes of the kind and number, and in the manner set forth in said section one (1) of this act.

**525. Owner may be Compelled to Erect—Proceedings.] § 3.** After the expiration of six (6) months next after the passage of this act, the boards of supervisors and commissioners, and in villages, towns and cities, the corporate authorities thereof, as aforesaid may, at any time, direct the sheriff of their respective counties to serve a written notice in behalf of the people of the State of Illinois, upon the owner or owners, trustees, lessee, or occupant of any building within their county, not provided with fire-escapes in accordance with the require-



ments of this act, commanding such owners, trustees, lessee or occupant, or either of them, to place or cause to be placed upon such building such fire-escape or escapes within thirty (30) days after the service of such notice. And the grand juries of the several counties of this State may also during any term, visit or hear testimony relating to any building or buildings within their respective counties, for the purpose of ascertaining whether it or they are provided with fire-escapes in accordance with the requirements of this act, and submit the result of their inquiry, together with any recommendations they may desire to make, to the circuit court, except in Cook county, and to the criminal court of Cook county, and said court may thereupon, if it find from the report of said grand jury that said building or buildings is or are not provided with a fire-escape or escapes in accordance with this act, cause the sheriff to serve a notice or notices upon the owner, trustees, lessee, or occupant of such building or buildings.

**526. Owner Failing to Erect on Notice—Penalty.]**

§ 4. Any such owner or owners, trustees, lessee or occupant, or either of them, so served with notice as aforesaid, who shall not within thirty (30) days after the service of such notice upon him or them, place or cause to be placed such fire-escape or escapes upon such building as required by this act and the terms of such notice, shall be subject to a fine of not less than twenty-five (25) or more than two hundred (200) dollars, and to a further fine of fifty (50) dollars for each additional week of neglect to comply with such notice.

**527. Fines—How Applied.]** § 5. All the money or moneys, collected as fines under and by virtue of this act, shall be paid into or placed to the credit of the common school fund of the counties in which they are collected.

## 16. HORSE AND DUMMY RAILROADS.

## Section.

528. Eminent Domain.

529. Compensation for Property Taken or Damaged.

## Section.

530. Location of Road—Consent—Notice—Damages.

531. Control of Streets Reserved—Police Powers.

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AN ACT in regard to horse and dummy railroads. [Approved March 19, 1874. In force July 1, 1874.]

**528. Eminent Domain.] § 1.** That any company which has been, or shall be incorporated under the general laws of this state, for the purpose of constructing, maintaining or operating any horse or dummy railroad or tramway, may enter upon and appropriate any property necessary for the construction, maintenance and operation of its road, and all necessary siding, side tracks and appurtenances, and may, subject to the provisions contained in this act, locate and construct its road upon or over any street, alley, road or highway, or across or over any waters in this state, in such manner as not to unnecessarily obstruct the public use of such street, alley, road or highway, or interrupt the navigation of such waters.

**529. Compensation for Property Taken or Damaged.] § 2.** When it is necessary for the construction, maintenance or operation of such road, or the necessary sidings, side tracks or appurtenances, to take or damage private property, the same may be done, and the compensation therefor may be ascertained and made in the manner which may be then provided by law for the exercise of the right of eminent domain.

**530. Location of Road—Consent—Notice—Damages.] § 3.** No such company shall have the right to locate or construct its road upon or along any street or alley, or over any public ground in any incorporated city, town or village, without the consent of the corporate authorities of such city, town or village, nor upon or along any road or highway, or upon any public ground without any incorporated city, town or vil-

lage, except upon the consent of the county board. Such consent may be granted for any period, not longer than twenty years, on the petition of the company, upon such terms and conditions, not inconsistent with the provisions of this act, as such corporate authorities or county board, as the case may be, shall deem for the best interests of the public: *Provided*, no such consent shall be granted, unless at least ten days' public notice of the time and place of presenting such petition shall have been first given by publication in some newspaper published in the city or county where such road is to be constructed, and except upon the condition that the company will pay all damages to owners of property abutting upon the street, alley, road, highway or public ground upon or over which such road is to be constructed, which they may sustain by reason of the location or construction of the road; the same to be ascertained and paid in the manner provided by law for the exercise of the right of eminent domain.

**531. Control of Streets Reserved — Police Power.]**

§ 4. Every grant to any such company of a right to use any street, alley, road, highway or public ground, shall be subject to the right of the proper authorities to control the use, improvement and repair of such street, alley, road, highway or public ground, to the same extent as if no such grant had been made, and to make all necessary police regulations concerning the management and operation of such railroad, whether such right is reserved in the grant or not.

## 17. HOUSE OF CORRECTION.

Section.	Section.
532. Cities May Establish.	540. Commitment.
533. Inspectors—Appointment—Term of Office.	541. Conveying Convict to House of Correction.
534. Rules—Employes—Appropriations.	542. Application of Other Laws, Etc.
535. Compensation and Duties of Inspectors—Records.	543. House of Shelter.
536. Books—Quarterly Statement—Accounts.	544. Expenses.
537. Further Reports—Removal of Officers Etc.	545. United States Convict.
538. Duties of Superintendent—Appointment—Term of Office—Deputy.	546. Bridewell Changed to House of Correction.
539. County may use House of Correction.	547. Salary of Superintendent—Record of Conduct—Good Time.
	548. Oath—Bond.

AN ACT to establish houses of correction, and authorize the confinement of convicted persons therein. [Approved April 25, 1871. In force July 1, 1871.

**532. Cities May Establish.] § 1.** That it shall be lawful for the municipal authorities, or any city within this State to establish a house of correction, which shall be used for the confinement and punishment of criminals, or persons sentenced or committed thereto under the provisions of this act, or any law of this State, or ordinance of any city or village, authorizing the confinement of convicted persons in any such house of correction.

**533. Inspectors—Appointment—Term of Office.] § 2.** The management and direction of any house of correction already established or which may hereafter be established in any such city, shall be under the control and authority of a board of inspectors, to be appointed for that purpose as in this section directed. The mayor of said city shall, by virtue of his office, be a member of said board, who, together with three persons to be appointed by the mayor, by and with the advice and consent of the legislative authority of said city, shall constitute the said board of inspectors. The term of office for the appointed members of said board shall be three years, but the members first appointed shall hold their office, respectively,

as shall be determined by lot at the first meeting of said board, for one, two and three years from and after the first Monday in May, in the year of our Lord 1871, and thereafter one member shall be appointed each year for the full term of three years.

**534. Rules—Employees—Appropriations.]** § 3. That whenever a board of inspectors have been organized as in section second of this act directed, they shall have power and authority to establish and adopt rules for the regulation and discipline of the said house of correction, for which they have respectively been appointed, and, upon the nomination of the superintendent thereof, to appoint the subordinate officers, guards and employees thereof; to fix their compensation and prescribe their duties generally; to make all such by-laws and ordinances in relation to the management and government thereof as they shall deem expedient. No appropriation of money shall be made by the said board of inspectors for any purpose other than the ordinary and necessary expenses and repairs of said institution, except with the sanction of the legislative authority of said city.

**535. Compensation and Duties of Inspectors—Records.]** § 4. Said inspectors shall serve without fee or compensation. There shall be a meeting of the entire board, at the house of correction, once in every three months, when they shall fully examine into its management in every department, hear and determine all complaints or questions not within the province of the superintendent to determine, and make such further rules and regulations for the good government of said house of correction as to them shall seem proper and necessary. One of said appointed inspectors shall visit the said house of correction once, at least, in each month. All rules, regulations or other orders of said board shall be recorded in a book to be kept for that purpose, which shall be deemed a public record, and, with the other books and rec-



ords of said house of correction, shall be at all times subject to the examination of any member or committee of the legislative authority, the comptroller, treasurer, corporation counsel or attorney of any city.

**536. Books—Quarterly Statement—Accounts.] § 5.** The books of said house of correction shall be so kept as to clearly exhibit the state of the prisoners, the number received and discharged, the number employed as servants or in cultivating or improving the premises, the number employed in each branch of industry carried on, and the receipts from, and expenditures for, and on account of, each department of business, or for improvement of the premises. A quarterly statement shall be made out, which shall specify minutely, all receipts and expenditures, from whom received and to whom paid, and for what purpose; proper vouchers for each, to be audited and certified by the inspectors, and submitted to the comptroller of said city, and by him, to the legislative authority thereof, for examination and approval. The accounts of said house of correction shall be annually closed and balanced on the first day of January of each year, and a full report of the operations of the preceding year, shall be made out and submitted to the legislative authority of said city, and go to the Governor of the State, to be by him transmitted to the General Assembly. [As amended by act approved May 31, 1879. In force July 1, 1879.

**537. Further Reports—Removal of Officers, Etc.] § 6.** The legislative authority of said city may require such further reports and exhibits of the condition and management of such institution as to them shall seem necessary and proper, and may, with the approval of the mayor, remove any inspector of said institution. But any subordinate officer or employee may be removed by the superintendent at his discretion, but immediately upon the removal of such officer or employee, he shall report to said board the name of the person removed, and the cause of such removal.

**538. Duties of Superintendent—Appointment—Term of Office—Deputy.] § 7.** The superintendent of said house of correction shall have entire control and management of all its concerns, subject to the authority established by law, and the rules and regulations adopted for its government. It shall be his duty to obey and carry out all written orders and instructions of the inspectors not inconsistent with the laws, rules and regulations relating to the government of said institution. He shall be appointed by the mayor by and with the consent of said board of inspectors, and shall hold his office for four years and until his successor shall have been duly appointed and qualified, but he may be removed by the inspectors at any time, when in their judgment it shall be advisable. He shall be responsible for the manner in which said house of correction is managed and conducted. He shall reside at said house of correction, devote all his time and attention to the business thereof, and visit and examine into the condition and management of every department thereof and of each prisoner therein confined, daily. He shall exercise a general supervision and direction in regard to the discipline, police and business of said house of correction. The deputy superintendent of said house of correction shall have and exercise the powers of the superintendent in his absence, so far as relates to the discipline thereof and the safe keeping of prisoners.

**539. County May Use House of Correction.] § 8.** The board of supervisors or commissioners of any county, and the board of trustees of any village or town, in any county in this State, in which a house of correction is established, shall have full power and authority to enter into an agreement with the legislative authority of such city, or with any authorized agent or officer in behalf of such city, to receive and keep in said house of correction any person or persons who may be sentenced or committed thereto, by any court or magistrate, in any of said counties, whenever such agreement shall have been made, it shall be the duty of the board of supervisors or

commissioners for any county in behalf of which, such agreement shall have been made, or of the trustees of the village or town, in behalf of which, such agreement has been made, as the case may be, to give public notice thereof, in some newspaper printed and published within said county, for a period not less than four weeks, and such notice shall state the period of time for which such agreement will remain in force. [As amended by act approved May 31, 1879. In force July 1, 1879.

**540. Commitment.] § 9.** In counties, towns and villages having such agreement with any such city, it shall be the duty of every court, police justice, justice of the peace, or other magistrate in such county, town or village, by whom any person, for any crime or misdemeanor, punishable by imprisonment in the county jail, shall be convicted, to commit such person to the said house of correction, in lieu of committing him to the county jail, village or town calaboose, there to be received, and kept in the manner prescribed by law and the discipline of said house of correction. And it shall be the duty of such court, police justice, justice of the peace, or other magistrate, by a warrant of commitment, duly issued, to cause such person so sentenced, to be forthwith conveyed by some proper officer to said house of correction. [As approved May 31, 1879. In force July 1, 1879.

**541. Conveying Convict to House of Correction—Fees.] § 10.** It shall be the duty of the sheriff, constable or other officer in and for any county having such agreement with any such city to whom any warrant of commitment for that purpose may be directed by any court, justice or magistrate aforesaid, in such county, to convey such person so sentenced to the said house of correction, and there deliver such person to the keeper or other proper officer of said house of correction, whose duty it shall be to receive such person so sentenced, and to safely keep and employ such person for the term men-

tioned in the warrant of commitment, according to the laws of said house of correction; and the officers thus conveying and so delivering the person or persons so sentenced shall be allowed such fees, as compensation therefor, as shall be prescribed or allowed by the board of supervisors or commissioners of the said county.

**542. Application of Other Laws, Etc.] § 11.** All provisions of law and ordinances authorizing the commitment and confinement of persons in jails, bridewells and other city prisons, are hereby made applicable to all persons who may or shall be, under the provisions of this act, sentenced to such house of correction.

**543. House of Shelter.] § 12.** It shall be lawful for the inspectors of any such house of correction to establish in connection with the same a department thereof, to be called a house of shelter, for the more complete reformation and education of females. The inspectors shall adopt rules and regulations by which any female convict may be imprisoned in one or more separate apartments of the said house of correction, or of the department thereof called the house of shelter. The superintendent of said house of correction shall appoint, by and with the advice of the board of inspectors, a matron and other teachers and employees for the said house of shelter, whose compensation shall be fixed and provided for as in this act provided for the officers and other employees of the said house of correction.

**544. Expenses.] § 13.** The expenses of maintaining any such house of correction over and above all receipts for the labor of persons confined therein, and such sums of money as may be received from time to time by virtue of an agreement with a county, as in this act contemplated, shall be audited and paid from time to time by the legislative authority of such city, and shall be raised, levied and collected as the ordinary expenses of the said city.

**545. United States Convicts.] § 14.** It shall be lawful for the inspectors of any such house of correction to enter into an agreement with any officer of the United States authorized therefor, to receive and keep in such house of correction any person sentenced thereto, or ordered to be imprisoned therein, by any court of the United States or other federal officer, until discharged by law.

**546. Bridewell Changed to House of Correction.] § 15.** That in any such city having, prior to the passage of this act, established a bridewell for the confinement of convicted persons, such institution shall, immediately upon the appointment of the inspectors in this act contemplated, be known and denominated as the house of correction of the city in which it is located.

**547. Salary of Superintendent—Record of Conduct—Good Time.] § 16.** The superintendent of any such house of correction shall receive a salary per annum, to be fixed by the legislative authority of such city, to be paid quarterly. It shall be his duty to keep a record of each and all infractions of the rules and discipline of said house of correction, with the names of each, the convict offending, and the date and character of each offense, and every convict sentenced or committed for six months or more, whose name does not appear upon such record, shall be entitled to a deduction of three days per month from his or her sentence, for each month he or she shall continue to obey all the rules of said house of correction.

**548. Oath—Bond.] § 17.** The inspectors of any such house of correction and the superintendent thereof, shall, before they enter on the duties of their respective offices, take and subscribe the usual oath of office. Said inspectors and superintendents shall severally give bond to such city with sureties, and in a penal sum such as may be required by the



legislative authority thereof, for the faithful performance of their duties.

[§ 18, repeal, omitted. See "Statutes," ch. 131, § 5.

## 18. INSURANCE.

Section.

549. Tax on Net Receipts.

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AN ACT to incorporate and govern fire, marine and inland navigation insurance companies doing business in the state of Illinois. [Approved and in force March 11, 1879.

**549. Tax on Net Receipts.]** § 30. Every agent of any insurance company, incorporated by the authority of any other State or government, shall return to the proper officer of the county, town or municipality in which the agency is established, in the month of May, annually, the amount of the net receipts of such agency for the preceding year, which shall be entered on the tax lists of the county, town and municipality, and subject to the same rate of taxation, for all purposes,—State, county, town and municipal—that other personal property is subject to at the place where located; said tax to be in lieu of all town and municipal licenses; and all laws and parts of laws inconsistent herewith are hereby repealed: *Provided*, that the provisions of this section shall not be construed to prohibit cities having an organized fire department from levying a tax, or license fee, not exceeding two per cent., in accordance with the provisions of their respective charters, on the gross receipts of such agency, to be applied exclusively to the support of the fire department of such city. [As amended by act approved May 31, 1879. In force July 1, 1879.

## 19. LANDINGS AND LEVEES.

## Section.

550. When Landings and Levees may be Leased.  
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 552. Authorized to Protect From Overflow by Levees, Etc.  
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## Section.

558. How Lien Enforced.  
 559. Who May Purchase at Sale.  
 560. Emergency—Repairs—Payment—Lien—Defense.  
 561. Landing Places—Ordinances—Tolls—Grade—Penalty.  
 562. Stagnant Water—Nuisance—Abatement of.  
 563. Liability of Proprietors of City Subject to Overflow for Damages—Insufficient Levees.  
 564. Proceedings Where Land Below Grade.

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AN ACT to authorize incorporated cities, towns or villages in this state, situated upon the banks of navigable rivers, to lease parts of their public landings or levees. [Approved March 31, 1874. In force July 1, 1874.]

**550. When Landings and Levees May be Leased.]**

§ 1. That whenever, in the opinion of the legislative authority of any incorporated city, or of the president and board of trustees of any incorporated town or village of this state, situate upon the banks of any navigable river, the lands acquired and owned by any such city, town or village, for the purpose of a public landing or public levee, are not immediately required for such purpose, then any such city, town or village may lease such parts of such landing or levee as may be thought best by the legislative authority of such city, or president and board of trustees of such town or village, for the purpose of erecting manufactories, warehouses or grain elevators thereon: *Provided*, no such lease shall extend beyond the period of twenty-five years from its execution.

**551. What Lands—When Lease May Take Effect—Definition—Restriction.]**

§ 2. That the right of any such city, town or village to lease any part of the land in the foregoing section, shall embrace all such lands as may have been conveyed to the same: *Provided, however*, no such lease shall take effect or be in force until approved by an order, resolu-

tion or ordinance of the legislative authority of such city, or president and board of trustees of such town or village. The words "legislative authority," when used in this act, shall be held to include the common council. The provisions of this act shall not apply to cities having over one hundred thousand inhabitants.

AN ACT to authorize cities, towns and villages to protect the sight thereof from overflow and inundation, and to regulate and control private levees, private wharves and landing places, or embankments, and to compel the repairs and improvement of such levees or embankments, and to cause low lots, blocks or parcels of land within the corporate limits to be filled so as to prevent standing water thereon, and to authorize cities, towns and villages to purchase or condemn lands, sand banks, gravel pits, and rock quarries, for any of the purposes above named. [Approved and in force May 19, 1883.]

**552. Authorized to Protect from Overflow and Inundation by Levees, Etc.] § 1.** That all cities, towns and villages in this State, whether incorporated under the general incorporation act for cities, towns and villages or under any special charter that are subject to overflow or inundation shall have power to protect the sight of such city, town or village from overflow or inundation by levees, dykes, or embankments of such heights and dimensions as the corporate authorities of such city, town or village may deem proper.

**553. May Purchase or Condemn Lands, Etc.] § 2.** Such city, town or village may purchase or enter upon and condemn lands for the location and construction of any such levee, or for the repairs of any levee, or dyke now built, or surrounding any such city, town or village, in the same manner that lands and right of way is now condemned for railroad purposes.

**554. When Notice May be Given to Owner of Levees, Etc., to Repair.] § 3.** In all instances where any city, town or village in this State is now, or shall hereafter be surrounded in whole or in part by any levee, dyke, embankment or other

structure, which is used or permitted to be used as a protection to any such city, town or village from overflow and inundation, and which is owned or claimed, in whole or in part, by any individual, private corporation or trust company, and whose duty it is in law or equity to keep up and maintain such levee, dyke, embankment or other structure, and the same shall be found to be insufficient in width or heighth, or too steep of grade, or which shall become impaired by wash or abrasion of the rivers, by caving banks, by impairment of the base or surface of the slope, or any other injury that may happen to any such levee, dyke, embankment or other structure, that in the judgment of the city council, or board of trustees, or other municipal authorities of any such city, town or village, shall become unsafe or insecure for the purpose for which it was erected or used, and the party whose duty it is in law or equity to protect, maintain, and keep in repair such levees, embankments or dykes, shall not repair, enlarge, or heighten the same, as the case shall demand, it shall be the duty of the city council, or board of trustees of any such city, town or village, to cause notice to be served upon the owner or person in charge of any such levee, dyke, embankment or structure, or any agent of any such owner or person in charge thereof, of the condition, impairment or insufficiency of any such levee, dyke, embankment or other structure, and that the same must be repaired or improved as directed in said notice.

**555. When May be Repaired by City, Etc.] § 4.** If the owner, or agent or the person in possession of any levee, dyke, embankment or other structure, shall not, within ten days from the date of service of any such notice, in good faith commence the work so to be done, and continue the same with all reasonable diligence until it is completed, any such city, town or village may declare such levee a nuisance, and proceed to repair or improve the same so as to make such levee, dyke or embankment secure and sufficient for the purposes for which it was intended or used.

**556. City May Enter to Repair.]** § 5. For the purpose of making any such repairs or improvements, any such city, town or village may enter upon any of the adjacent lands of the owner of any such levee, dyke or embankment and take therefrom any earth, sand, stone or other material for the purpose of making such improvement or repairs, without being liable for trespass or the value thereof.

**557. Work Charged to Party Liable and to be a Lien. |** § 6. All such work done upon any such levee, dyke or embankment, by any city, town or village, shall be charged up to the party liable therefor, and shall be a lien upon any such levee, dyke or embankment, and any connecting levee, dyke or embankment which forms a part of the system of levee protection intended for such city, town or village, belonging to the party so liable, notwithstanding the lines of levees may be disconnected by intervening ownerships.

**558. How Lien Enforced.]** § 7. If the expense incurred by any such city, town or village is not paid by such owner or person liable, within twenty days of the presentation of the bill therefor, by the city, town or village clerk, when directed by the city council or board of trustees, then such city, town or village may enforce the lien hereby created in any court of competent jurisdiction, in the same manner as mechanics' liens are now enforced under the statutes of this State, provided the sale under the decree for sale of any such levee, dyke or embankment shall be absolute and without redemption.

**559. Who May Purchase at Sale. |** § 8. Any city, town or village may become purchaser at any such sale, and when so purchased, the city, town or village may take possession thereof, and use, own and contract as to the same in the same manner as if it had been originally built by the city; but, if purchased by any other person or corporation, then such



levee or embankment shall be subject to this statute in the same manner as it was in the hands of the original owner.

**560. Emergency — Repairs — Payment — Lien— Defense.]** § 9. Where any city, town or village has, heretofore, built or repaired any part of any levee, dyke or embankment, when the original levee or embankment had been destroyed or become insecure by the wash or abrasion of the rivers or the caving in of the banks, and the part so built or repaired formed a part of a system of levees surrounding any such city, town or village, for the purpose mentioned in this act, and the same is, or was, owned and controlled by any person, or corporation, or trustee, and such system of levees, dykes or embankments was originally intended by the builders, and was necessary as a protection to the site of any city, town or village, and it was at the time of the making of the improvements mentioned in this section, the duty of any such owner, either in law or equity, to maintain and keep in repair such system of levees or embankments, and that at the time of making such improvements or repairs there appeared to be an emergency for the performance of such work, then any such city, town or village may have its action to recover back what it has expended in that regard, and may file its bill or petition as in case of a mechanics' lien, and the amount so expended shall be a lien upon the whole of such levee system belonging to the party so defaulting at the time of the filing of such bill, from the date of the filing of any such bill or petition, and it shall be no answer or defense that any such city, town or village made such expenditure, or did such work as was done, without authority of law, or the owners of the original levee.

**561. Landing Places—Ordinances—Tolls—Grade—Penalty.]** § 10. Whenever the site of any city, town or village in this State is or has been located upon any of the navigable waters of this State or any of the navigable waters

bordering this State, and the site thereof has been surrounded by levees or embankments to prevent overflow or inundation, and such levees are owned or controlled by private persons, corporations or trustees, and any part of such levee or embankment has been by the owner or owners thereof set apart for a landing place for vessels and water craft, and the place so set apart for a landing place, has been used by the public free of charge, by footmen, or for wagons, drays and other vehicles conveying persons or property to and from said landing for a term of twenty years or more, and the owner thereof claims the right to collect wharfage, tolls or a reasonable compensation for the landing of steamboats or other water craft at any such landing place, then any such city, town or village may, by ordinance, determine the slope or grade of any such levee, so used for public landing purposes, and the payment thereof, and the rate of toll or compensation to be charged at such landing. It shall be the duty of the owner thereof to grade, pave and keep such slope in repair as directed by ordinance, and may enforce the same by proper penalties, or forfeiture of any right to collect wharfage at any such landing until the ordinances in that regard have been complied with, and may enforce the powers herein granted, by proper ordinances.

**562. Stagnant Water — Nuisance — Abatement of.]**

§ 11. Any city, town or village in this State wherein there are lots, blocks, or places wherein stagnant water is liable to stand, from surface water, or sipe water, or overflow, so that the same becomes a nuisance, or is dangerous to the public health of any such city, town or village, the corporate authorities thereof, may declare such lots, blocks or places of land to be nuisances, and order the same filled to grade, or to such height as will prevent such standing water, and for the purpose of filling any such lots, blocks or places, such city, town or village may purchase or condemn lands, sand banks, or gravel, in the same manner as in other cases under this act.

**563. Liability of Proprietors of City Subject to Overflow for Damages—Insufficient Levees.]** § 12. In all cases where any person or persons, trustees, company or corporation, has heretofore, or shall hereafter lay out any city, town or village within this State, the site whereof is liable to overflow, and is surrounded in whole, or in part by a levee or embankment, and the owner or proprietors of the site of such city, town or village shall, or shall have, in laying out and platting the same, reserve or reserved, retain or retained, as private property, a strip or strips of land surrounding the site thereof for the purpose of building such levees or embankments, and such persons or owners so laying out such city, town or village as aforesaid, shall, after the building of such levees or embankments to protect the site of any such city, town or village from overflow, sell, lease or convey by quit claim or deed in fee, or otherwise any lots, blocks or lands within the district or territory surrounded by such levees or embankments, it shall, from thence forward become the duty of any such owner or person and their agents, representatives or assigns to keep and maintain in good repair such levees and embankments, and upon their failure so to do such persons, owners or assigns shall be liable to the owner or owners of any lots, blocks or lands lying within such levees, whether held by the original purchaser or his assigns, and such persons or owners of such levees or embankments shall be liable in damages to the owners of any personal property that may be injured by the giving away or insufficiency of any such levees or embankments, and may have their action on the case for any damage they may suffer by reason of the insufficiency, impairment or giving away of any such levees or embankment ; or any number of such owners of lots, blocks or land, and owners of personal property damaged as aforesaid, may join in a petition to any court of record of competent jurisdiction in this State for redress of grievances under this section, setting forth the claims of each, and the aggregate of such

and claims; such claims shall be a lien upon such levees or embankments, and all the unsold lands or lots of the proprietors of such city, town or village within such levee inclosure, from the date of the filing of said petition; and the proceedings shall be the same as in mechanics' lien.

**564. Proceedings—Where Land Below Grade.] § 13.**

In any city, village or town in this State wherein there are lots, blocks or parcels of land within the district or districts where the grade shall have been established and fixed as provided for in section 11, below such grade whereon water is liable to drain or accumulate from such drainage, or from rains or sipe water, and stand thereon, thereby endangering the public health, it shall be lawful for the city council in cities, and the board of trustees in towns and villages, by ordinance, to declare all such lots, blocks or parcels of land, a public nuisance and order notice to be served on the owner or owners of such lots, blocks or parcels of land so declared to be a public nuisance, to fill the same to the grade established for such streets under the provisions of section 11, within ten days. In case the owner or owners reside without this State, such notice may be served on their agent or agents, if such reside in this State, and if neither the agent nor owner reside in this State, then such notice may be given by publication for twenty days in a newspaper published in the city, town or village; and the specified time for the performance of such work shall begin to run from the date of the last publication. In case the owner or owners of any such lot, block or parcel of land shall fail to comply with the said order, and fill the same within the time allowed for the doing thereof, it shall be lawful for the city, town or village to do the said filling at the least possible cost, and the expense hereof shall be a first lien in favor of such city, town or village upon the entire interest of the owner or owners in said lot, block or parcel of land; and for the purpose of enforcing said lien, any city, town or village may file its petition in the circuit court of the county where such city, town or

village is situated, which court is hereby given exclusive jurisdiction thereof, stating the passage of the ordinance declaring such lots a nuisance, the giving of the notice aforesaid, the failure of the owner or owners to comply therewith, the expense incurred by the city, town or village in filling the same, and on proof thereof, and that the owner has been notified of the pendency of the proceedings, in the same manner as now provided by law for notifying defendants of the pendency of chancery causes, the court shall decree the payment of such sum with interest and costs within twenty days, and that such city, town or village have a lien on the lot, etc., therefor, and also that said lot, etc., be sold in the manner and by the officer designated by the court, on failure to pay said sum found due with interests and costs, without redemption, and the court shall direct a deed to be made to the purchaser by the officer so making the sale, which shall vest in the purchaser all the right, title and interest of the owner or owners of any such lot, block or parcel of land. Any mortgagee of any such lot, block or parcel of land shall be taken and considered an owner thereof within the meaning of this act.

## 20. LIBRARIES—PUBLIC.

### Section.

- 565. Establishment of—Tax—Fund.
- 566. Directors.
- 567. Term of Office—Removal.
- 568. Vacancies—Compensation.
- 569. Organization—Powers of Directors—Funds.
- 570. Who May Use Library.
- 571. Report of Directors.
- 572. Penalties.
- 573. Donations.
- 574. Powers of Villages, Etc.

### Section.

- 575. Directors in Villages, Etc.
- 576. Library Association May Sell, Etc., to Public Libraries—Meeting—Notice.
- 577. Vote—Manner of Making Conveyance, Etc.
- 578. Erecting Building—Tax Levy.
- 579. When Erection May Begin.
- 580. Plans—Contract—Tax Levy.
- 581. Rental of Part—May Borrow Money—Building Fund—When Not to Apply.

AN ACT to authorize cities, incorporated towns and townships to establish and maintain free public libraries and reading rooms.  
[Approved and in force March 7, 1872.]

### 565. Establishment by City—Tax—Fund.] § 1.

That the city council of each incorporated city, whether organ-



ized under the general law or special charter, shall have power to establish and maintain a public library and reading room, for the use and benefits of the inhabitants of such city, and may levy a tax not to exceed two mills on the dollar annually on all the taxable property in the city: *Provided*, that in cities of over one hundred thousand inhabitants after the year 1895, such tax shall not exceed one-half of a mill on the dollar annually—such tax to be levied and collected in like manner with the general taxes of said city, and to be known as the library fund: *Provided*, that the said annual library tax in cities of over ten thousand inhabitants, shall not be included in the aggregate amount of taxes as limited by section one (1) of article eight (8) of “An act for the incorporation of cities and villages,” approved April 10, 1872, and the amendatory acts thereto, or by any provision of any special charter under which any city in this State is now organized. [As amended by act approved March 26, 1891.

**566. Directors.]** § 2. When any city council shall have decided to establish and maintain a public library and reading room, under this act, the mayor of such city shall, with the approval of the city council, proceed to appoint a board of nine directors for the same, chosen from the citizens at large with reference to their fitness for such office; and not more than one member of the city council shall be at any one time a member of said board.

**567. Term of Office—Removal.]** § 3. Said directors shall hold office one-third for one year, one-third for two years, and one-third for three years, from the first of July following their appointment, and at their first regular meeting shall cast lots for their respective terms; and annually thereafter the mayor shall, before the first of July of each year, appoint as before three directors, to take the place of the retiring directors, who shall hold office for three years, and until their successors are appointed. The mayor may, by and with the

consent of the city council, remove any director for misconduct or neglect of duty.

**568. Vacancies—Compensation.]** § 4. Vacancies in the board of directors, occasioned by removals, resignation, or otherwise, shall be reported to the city council, and be filled in like manner as original appointments, and no director shall receive compensation as such.

**569. Organization — Powers of Directors — Funds.]** § 5. Said directors shall, immediately after appointment, meet and organize by the election of one of their number president, and by the election of such other officers as they may deem necessary. They shall make and adopt such by-laws, rules and regulations for their own guidance and for the government of the library and reading room as may be expedient, not inconsistent with this act. They shall have the exclusive control of the expenditure of all moneys collected to the credit of the library fund, and of the construction of any library building, and of the supervision, care and custody of the grounds, rooms or buildings constructed, leased, or set apart for that purpose: *Provided*, that all moneys received for such library shall be deposited in the treasury of said city to the credit of the library fund, and shall be kept separate and apart from other moneys of such city, and drawn upon by the proper officers of said city, upon the properly authenticated vouchers of the library board. Said board shall have power to purchase or lease grounds to occupy, lease or erect an appropriate building or buildings for the use of said library; shall have power to appoint a suitable librarian and necessary assistants, and fix their compensation, and shall also have power to remove such appointees; and shall, in general, carry out the spirit and intent of this act, in establishing and maintaining a public library and reading room.

**570. Who May Use Library.]** § 6. Every library and reading-room, established under this act, shall be forever free

to the use of the inhabitants of the city where located, always subject to such reasonable rules and regulations as the library board may adopt, in order to render the use of said library and reading-room of the greatest benefit to the greatest number; and said board may exclude from the use of said library and reading-room any and all persons who shall willfully violate such rules. And said board may extend the privileges and use of such library and reading-room to persons residing outside of such city in this state, upon such terms and conditions as said board may from time to time by its regulations prescribe. [As amended by act approved March 27, 1874. In force July 1, 1874.]

**571. Report of Directors.] § 7.** The said board of directors shall make, on or before the second Monday in June, an annual report to the city council, stating the condition of their trust on the first day of June of that year, the various sums of money received from the library fund and from other sources, and how such moneys have been expended, and for what purposes; the number of books and periodicals on hand, the number added by purchase, gift, or otherwise, during the year; the number lost or missing; the number of visitors attending; the number of books loaned out, and the general character and kind of such books; with such other statistics, information and suggestions as they may deem of general interest. All such portions of said report as relate to the receipt and expenditure of money, as well [as] the number of books on hand, books lost or missing, and books purchased, shall be verified by affidavit.

**572. Penalties.] § 8.** The city council of said city shall have power to pass ordinances imposing suitable penalties for the punishment of persons committing injury upon such library or the grounds or other property thereof, and for injury to or failure to return any book belonging to such library.

**573. Donations.] § 9.** Any person desiring to make donations of money, personal property or real estate for the

benefit of such library, shall have the right to vest the title to the money or real estate so donated in the board of directors created under this act, to be held and controlled by such board, when accepted, according to the terms of the deed, gift, devise or bequest of such property; and as to such property the said board shall be held and considered to be special trustees.

**574. Powers of Villages, Towns and Townships.]**

§ 10. When fifty legal voters of any incorporated town, village or township shall present a petition to the clerk of the town, village or township (or trustee of schools in counties not under township organization,) asking that an annual tax may be levied for the establishment and maintenance of a free public library in such town or township, and shall specify, in their petition, a rate of taxation not to exceed two mills on the dollar, such clerk (or trustee of schools in counties not under township organization) shall, in the next legal notice of the regular annual election in such town or township, give notice that at such election every elector may vote "For a . . . mill tax for a free public library," or "Against a . . . mill tax for a free public library," specifying in such notice the rate of taxation mentioned in said petition; and if the majority of all the votes cast in such town, village or township shall be "For the tax for the free public library," the tax specified in such notice shall be levied and collected in like manner with other general taxes of said town or township, and shall be known as the "Library Fund": *Provided*, that such tax shall cease in case the legal voters of any such town, village or township shall so determine by a majority vote, at any annual election held therein; and the corporate authorities of such towns or villages may exercise the same powers conferred upon the corporate authorities of cities under this act.

**575. Directors in Villages, Etc.] § 11.** At the next regular election after any town, village or township shall have

voted to establish a free public library, there shall be elected a library board of six directors, one-third for one year, one-third for two years, one-third for three years, and annually thereafter there shall be elected two directors, who shall hold their office for three years and until their successors are elected and qualified; which board shall have the same powers as are by this act conferred upon the board of directors of free public libraries in cities.

AN ACT to enable library associations to sell and transfer their real and personal property. [Approved March 24, 1874. In force July 1, 1874.

**576. Library Associations May Sell, Etc., to Public Libraries—Meeting—Notice.] § 1.** That whenever any library association organized under any law of this State, and owning any real or personal property in this State, shall desire to sell or lease the same, or any part thereof, absolutely or with conditions, to the board of directors of any free public library, organized under the laws of this State, such sale or lease may be made in the manner following, viz: The directors of such association shall call a meeting of the members, subscribers or stockholders thereof, to be held at the rooms of said library or office of the secretary of such association, written or printed notice of the time, place and object of such meeting, and of the terms and conditions of the proposed sale or lease being first mailed, at least thirty (30) days prior to the time of such meeting, to the address of each member, subscriber or stockholder whose place of residence is known to any of the officers or directors of such association, and by publishing such notice for at least thirty (30) consecutive days next preceding the time of such meeting, in some newspaper published and of general circulation in the county where the property of said association is situate.

**577. Vote—Manner of Making Conveyance, Etc.] § 2.** If the members, subscribers or stockholders representing the majority in amount of the stock of such association, shall vote,



at such meeting, in favor of such sale or lease upon the terms or conditions specified in such notice, in case said association shall consist of two or more departments, if a majority of the members or stockholders of each department shall vote at such meeting in favor of such sale or lease so specified, then the president and secretary shall cause a record of the proceedings of such meeting, verified by the oath of the president thereof, together with an affidavit of the service or publication of notice as herein required, to be filed in the office of the clerk of the circuit court of the county where the property of such association is situate; after which the president and secretary of the said association shall be and are hereby authorized and empowered to execute any and all necessary deeds, leases, bills of sale, or other instruments in writing, to carry out the object and intent of said vote; which, when duly executed, shall be sufficient to pass to the board of directors of such free public library all the legal and equitable title of said associations in and to the real or personal property in said instrument described as therein set forth.

AN ACT entitled an act to amend an act entitled "An act to authorize cities, incorporated towns and townships, to establish and maintain free public libraries and reading rooms," approved March 7, 1872, by adding thereto four sections, to be known as sections 13, 14, 15 and 16.

§ 1. That an act entitled "An act to authorize cities, incorporated towns and townships to establish and maintain free public libraries and reading rooms," approved March 7, 1872, be and the same is hereby amended by adding thereto four sections, to be known as sections 13, 14, 15 and 16, as follows:

**578. Erecting Building—Tax Levy.] § 13.** Whenever any board of directors of any public library, organized under the provisions of the act to which this is an amendment, shall determine to erect a building to be used for their library, or to accumulate a fund for the erection of such building, they may do so as follows: The directors shall cause a plan for

such building to be prepared, and an estimate to be made of its cost; they may then determine the time or years over which they will spread the collection of the cost of said building, not exceeding twenty (20) years, and shall make a record of their said proceedings and transmit a copy thereof to the city council for its approval. If the council shall approve the action of the board the board shall divide the total cost of said building into as many parts as they shall determine to spread the cost of the collection thereof, and shall certify the amount of one of said parts to the city council, each and every year during the time or term over which they shall have determined to spread the collection of the cost of said building. The city council, on receiving the said last mentioned certificate, shall, in its next annual appropriation bill, include the amount so specified, and shall levy and collect a tax to pay the same, with the other general taxes of the city: *Provided*, the said levy shall not exceed five (5) mills on the dollar in any one year and shall not be levied oftener than for the number of years into which the library board shall have divided the costs of said building. *And provided, further*, no city shall construct more than one building under the provisions of this act, and when said sum herein mentioned shall have been collected the said tax shall cease.

**579. When Erection May Begin.]** § 14. The library board shall determine when they will proceed with the construction of the building; they may proceed at once or may determine to wait and allow the fund to accumulate, but shall not delay construction of said building longer than for the collection of said fund. If they shall determine to wait they shall certify their action to the city council, and said city council shall invest said money in good interest-paying securities, there to remain until the same is needed for the construction of the building under the provisions of this act.

**580. Plans—Contract—Tax Levy.]** § 15. When the directors shall determine to commence the construction of the

building they may then revise the plan therefor or adopt a new plan and provide estimates of the costs thereof, and shall advertise for bids for the construction of said building and shall let the contract to the lowest and best responsible bidder, and may require from such bidder securities for the performance of his bid as the board shall determine: *Provided*, the said directors may let the contract for one part of said building to one bidder, and for another part to another bidder as they shall determine: *And, provided, further*, the board of directors shall not in any new plan increase the per cent. of the tax levy hereunder, without the approval of the city council.

**581. Rental of Part—May Borrow Money—Building Fund—When Not to Apply.]** § 16. If the board of directors shall think best they may construct the building so that a portion thereof may be rented, and may at any time during the construction thereof borrow money and execute a mortgage on the lot and building, not exceeding one-half the value thereof, and the money so obtained shall be used exclusively in the completion of said building. The levy of a tax hereunder shall not constitute a part of the general tax of the city, nor shall it affect any appropriation made or to be made for the support of the library. This act shall not apply to any city in this State having over one hundred thousand inhabitants. [Approved June 19, 1891.

## 21. LIQUOR LAW.

## Section

582. Dram Shop Defined.

583. How License may be Granted.

584. License by County Board.

585. License to Sell Malt Liquor—Penalty for Selling Other.

## Section.

586. Form of License—Rights Under—May be Revoked.

587. Bond—How Taken—Suit On.

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AN ACT to provide for the licensing of and against the evils arising from the sale of intoxicating liquors. [Approved March 30, 1874.  
In force July 1, 1874.

**582. Dram Shop Defined.]** § 1. That a dram shop is a place where spirituous or vinous or malt liquors are retailed by less quantity than one gallon, and intoxicating liquors shall be deemed to include all such liquors within the meaning of this act.

AN ACT to restrict the powers of counties, cities, towns and villages in licensing dram shops to provide for granting a license to retail malt liquors separately, and for punishing persons holding such separate license for unlawful sale and gifts. [Approved June 15, 1883. In force July 1, 1883.

**583. How License May be Granted.]** § 1. That hereafter it shall not be lawful for the corporate authorities of any city, town or village in this State, to grant a license for the keeping of a dram-shop, except upon the payment, in advance, into the treasury of the city, town or village granting the license, such sum as may be determined by the respective authorities of such city, town or village, not less than at the rate of five hundred dollars (\$500) per annum: *Provided*, that in all cases when a license for the sale of malt liquors only is granted, the city, town or village granting such license, may grant the same on the payment, in advance, of the sum of not less than at the rate of one hundred and fifty dollars (\$150) per annum: *And, provided further*, that the city councils in cities, the board of trustees in towns, and president and board of trustees in villages, may grant permits to pharmacists for

the sale of liquors for medicinal, mechanical, sacramental and chemical purposes only, under such restrictions and regulations as may be provided by ordinance.

**584. License Granted by County Board.]** § 2. The county boards of each county may grant licenses to keep so many dram-shops in their county as they may think the public good requires, upon the application, by petition, of a majority of the legal voters of the town, if the county is under township organization, and if not under township organization, then of a majority of the legal voters of the election precinct or district where the same is proposed to be located, and upon the payment into the county treasury of such sum as the board may require, not less than five hundred dollars (\$500) per annum for each license; and upon compliance with the provisions of an act entitled "An act to provide for the licensing of, and against the evils arising from the sale of intoxicating liquors," approved March 3, 1874, in force July 1, 1874: *Provided*, that in all cases where a license is granted for the sale of malt liquors only, such board may grant the same, upon payment into the county treasury, of a sum not less than one hundred and fifty dollars (\$150) per annum for each license: *Provided further*, such board shall not have power to issue any license to keep a dram-shop in any incorporated city, town or village, or within two miles of the same, in which the corporate authorities have authority to license, regulate, restrain or prohibit the sale of liquors, or in any place where the sale of liquors is prohibited by law.

**585. License to Sell Malt Liquors—Penalty for Selling Other Liquors.]** § 3. Any person having a license to sell malt liquors only, who shall by himself or another, either is [as] principal, clerk or servant, directly or indirectly, sell or give any intoxicating liquors, other than malt liquors in a less quantity than one gallon, or in any quantity to be drank upon the premises, or in or upon any adjacent room, building,



yard or place of public resort, shall for each offense be fined not less than twenty dollars, nor more than one hundred dollars, or confined in the county jail not less than ten nor more than thirty days, or both in the discretion of the court. The penalties provided for in this section may be enforced by indictment or information in any court of competent jurisdiction, or the fine only may be sued for and recovered before any justice of the peace of the proper county, and in case of conviction, the offender shall stand committed to the county jail until the fine and costs are fully paid. A conviction under this section shall forfeit the license held by the defendant and the court rendering judgment upon such conviction shall in such judgment declare a forfeiture of such license.

**586. Form of License—Rights Under—May be Revoked.]** § 4. The license shall state the time for which it is granted, which shall not exceed one year, the place where the dram-shop is to be kept, and shall not be transferable, nor shall the person licensed keep a dram-shop at more than one place at the same time, and any license granted may be revoked by the county board whenever they shall be satisfied that the person licensed has violated any of the provisions of this act, or keeps a disorderly or ill-governed house or place of resort for idle or dissolute persons, or allows any illegal gaming in his dram-shop, or any house or place adjacent thereto.

**587. Bond—How Taken—Suit On.]** § 5. No person shall be licensed to keep a dram-shop, or to sell intoxicating liquors, by any county board, or the authorities of any city, town or village, unless he shall first give bond in the penal sum of \$3,000, payable to the People of the State of Illinois, with at least two good and sufficient sureties, free-holders of the county in which the license is to be granted, to be approved by the officer who may be authorized to issue the license, conditioned that he will pay to all persons all damages that

they may sustain, either in person or property, or means of support, by reason of the person so obtaining a license selling or giving away intoxicating liquors. The officer taking such bond may examine any person offered as security upon any such bond, under oath, and require him to subscribe and swear to his statement in regard to his pecuniary ability to become such security. Any bond taken pursuant to this section may be sued upon for the use of any person, or his legal representative, who may be injured by reason of the selling or giving away any intoxicating liquor by the person so licensed, or by his agent or servant.

## 22. OFFICERS.

Section.	Section.
588. When Additional or New Bonds May be Required.	595. When Office Becomes Vacant.
589. Release of Sureties.	596. Who May Determine When Vacancy Exists.
590. Effect of New Bond.	597. Aldermen of Cities.
591. When Effects to be Delivered to Sureties.	598. Not to be Interested in Contracts— Not to Act as Attorney to Procure— Bribery.
592. Suit on Bond—Executors, Etc.	599. Penalty.
593. Execution—Lien.	
594. Resignation of Elective Office.	

AN ACT to revise the law in relation to official bonds. [Approved March 13, 1874. In force July 1, 1874.]

**588. When Additional or New Bonds May be Required.] § 1.** That all official bonds required by law to be given by any public officer, or public employe, including executors, administrators, guardians and conservators, in this State, shall be signed and sealed by any said officer, employe, executor, administrator, guardian or conservator and his securities, and acknowledged before some officer authorized by law to take acknowledgements of instruments under seal, which said acknowledgments shall be substantially in the following form:

STATE OF..... }  
County of..... } ss.

I.....hereby certify that.....who are each personally known to me to be the same persons whose names are subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that they signed, sealed and delivered said instrument as their free and voluntary act for the uses and purposes therein set forth.

Given under my hand and.....seal, this.....day of....., A. D., .....

Which acknowledgment shall be deemed and taken as *prima-facie* evidence that the instrument was signed, sealed and acknowledged in the manner therein set forth, and such acknowledgements shall have the same force and effect as evidence in all legal proceedings, as that given to acknowledgements of deeds of conveyance of real estate. That all public officers or employes who are compelled to give official bonds may be required by the court, officer, or board whose duty it is to take or approve such bonds, to give additional surety or new bonds whenever the security of the original bond has become insufficient by the subsequent insolvency, death or removal of the sureties of any of them, or when for any cause any such bond shall be deemed insufficient. Any officer or employe failing to give bond when required, pursuant to this section, within ten days after he is notified in writing of such request, shall be deemed to have vacated his office. [As amended by act approved July 31, 1879. In force July 1, 1879.

**589. Release of Sureties.] § 10.** When a surety upon the official bond of any state officer or agent, county, town, city, village, incorporated town or other public officer, or the heir, executor or administrator of such surety, desires to be released from such bond, he may give notice in writing to the officer upon whose bond he is surety that he desires to be so released, and that such officer give a new bond with sufficient sureties within ten days after receiving such notice, and may within five days after the service of such notice deliver a copy of the same, with an affidavit showing the time and manner of service, to the court, officer, or board authorized to approve the bonds of such officers. And if such officer shall not within ten days after receiving such notice, or within such further time, not exceeding twenty days, as the court, officer or board shall allow, give a new bond with sufficient security, approved as required by law, his office shall become vacant, and the vacancy shall be filled as provided by law.

**590. Effect of New Bond.] § 11.** If a new bond shall be given by any officer, as provided in the foregoing sections of this act, then the former sureties shall be entirely released and discharged from all liabilities incurred by any such officer in consequence of business which may have come to hand from and after the time of the approval of the said new bond, and the sureties to the new bond are hereby declared to be liable for all the official delinquencies of said officer, whether of omission or commission, which may occur after the approval of the new bond as aforesaid; but the provisions of this act shall not be so construed as to operate as a release of the sureties of any of the aforesaid officers, for liabilities incurred previous to the filing of a new bond, as required in the foregoing sections of this act.

**591. When Effects to be Delivered to Sureties.] § 12.** It shall be the duty of such officer, if he shall fail to give bond as provided for in this act, forthwith to deliver over to his sureties all books, moneys, vouchers, papers, and every description of property whatever pertaining to his office, and the said sureties may, at any time after said failure to file said bond, maintain an action of replevin, or other appropriate action, to recover such property, money or effects from their said principal.

**592. Suit on Bond—Executors, Etc.] § 13.** Whenever the condition of the bond of any public officer shall be violated, suit may be instituted on such bond, and prosecuted to final judgment against such officer, and any or all of the sureties, or against one or more of them, jointly and severally, without first establishing the liability of the principal by obtaining judgment against him alone. The provisions of this section shall extend to the official bonds of executors, administrators, guardians and conservators, and in suits thereon it shall not be necessary to a recovery that a devastavit should have previously been established against the principal.

**593. Execution—Lien.] § 14.** Execution may issue on any judgment so rendered as in ordinary cases, but the officer executing the same shall not levy upon the property of the sureties until he shall fail to find sufficient property of the principal to satisfy such execution: *Provided, however,* the judgment and execution shall be a lien upon the property of the sureties as in ordinary cases.

AN ACT in regard to elections, and to provide for filling vacancies in electives offices. [Approved April 3, 1872. In force July 1, 1872.

**594. Of Elective Offices.] § 124.** Resignations of elective offices shall be made to the officer, court or county board authorized by law to fill a vacancy in such office by appointment, or to order an election to fill such vacancy.

**595. When Office Becomes Vacant.] § 125.** Every elective office shall become vacant on the happening of either of the following events, before the expiration of the term of such office:

*First*—The death of the incumbent.

*Second*—His resignation.

*Third*—His becoming insane.

*Fourth*—His ceasing to be an inhabitant of the State; or, if the office is local, his ceasing to be an inhabitant of the district, county, town or precinct for which he was elected.

*Fifth*—His conviction of an infamous crime, or of any offense involving a violation of official oath.

*Sixth*—His removal from office.

*Seventh*—His refusal or neglect to take his oath of office, or to give or renew his official bond, or to deposit or file such oath or bond within the time prescribed by law.

*Eighth*—The decision of a competent tribunal declaring his election void.

**596. Who May Determine When Vacacacy Exists.] § 126.** Whenever it is alleged that a vacancy in any office



exists, the officer, court or county board whose duty it is to fill the vacancy by appointment, or to order an election to fill such vacancy, shall have power to determine whether or not the facts occasioning such vacancy exist.

AN ACT to prevent fraudulent and corrupt practices in the making or accepting of official appointments and contracts by public officers.  
[Approved April 9, 1872. In force July 1, 1872.]

**597. Aldermen of Cities—Trustees of Villages.] § 2.** That it shall be and is hereby declared unlawful for any alderman of any city, or member of the board of trustees of any village of this State, during the term of office for which he is elected, to accept or be appointed to or hold any office, by the appointment of the mayor or president of the board of trustees thereof; and any and all such election or appointment shall be absolutely null and void.

**598. Not to be Interested in Contracts—Not to Act as Attorney to Procure—Bribery.] § 3.** It shall not be lawful for any person, now or hereafter holding any office, either by election or appointment, under the constitution of this State, to become in any manner interested, either directly or indirectly, in his own name or in the name of any other person or corporation, in any contract, or the performance of any work in the making or letting of which such officer may be called upon to act or vote. And it shall not be lawful for any such officer to represent, either as agent or otherwise, any person, company or corporation, in respect of any application or bid for any contract or work in regard to which such officer may be called upon to vote. Nor shall any such officer take or receive, or offer to take or receive, either directly or indirectly, any money or other thing of value, as a gift or bribe, or a means of influencing his vote or action in his official character; and any and all contracts made and procured in violation hereof, shall be null and void.

**599. Penalty.] § 4.** Any alderman, member of a board of trustees, supervisor or county commissioner, or person now or hereafter holding any office, either by election or appointment under the constitution of this State, or any law now or hereafter in force in this State, who shall violate any of the provisions of the preceding sections, shall be deemed guilty of a misdemeanor, and on conviction thereof may be punished by confinement in the penitentiary for a term not less than one year nor more than five years or fined in a sum not less than \$200 nor more than \$1,000, or both, in the discretion of the court before which such conviction shall be had; and in addition thereto, any office or official position held by any person or persons so convicted shall, by the fact of such conviction become vacant, and shall be so declared as a part of the judgment of court; and the person or persons so convicted shall be disqualified from holding any office or position of trust and confidence in this State for the period of two years from and after the date of such conviction.

### 23. OIL INSPECTION.

Section.	Section.
600. Appointment of Inspectors—Term of Office—Deputies.	604. Record Kept—Open to Examination.
601. Oath—Bond—Suit on.	605. Penalty for Misconduct in Office.
602. Inspectors to Test.	606. Penalty for Neglect to Give Notice of, or Selling Oil not Inspected—Counterfeit Brands, Etc.
603. Test—Casks Marked—Inspectors Not to Trade in Oil.	607. Fines, How Recovered and Disposed of.

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AN ACT to revise the law in relation to oil inspection. [Approved March 12, 1874. In force July 1, 1874.]

**600. Appointment of Inspectors—Term of Office—Deputies.] § 1.** The judge of the county court of any county for townships outside of incorporated cities, towns and villages, the mayor of any city, with the approval of the city council and the board of trustees of any village or town, may, and on the petition of any five inhabitants thereof shall, appoint one or more inspectors for the inspection of coal oil,

naphtha, gasoline, benzine, and other mineral oils or fluids, the product of petroleum, and fix their compensation, to be paid by the party requiring their services. Every such inspector shall hold his office for one year, and until his successor is appointed and qualified, unless sooner removed from office. He may appoint deputies, for whom he shall be responsible, and who shall take the same oath and be liable to the same penalties as the inspector. [As amended by act approved June 17, 1887. In force July 1, 1887.]

**601. Oath—Bond—Suit On.] § 2.** Every such inspector, before entering upon the duties of his office, shall take and subscribe the following oath:

I do solemnly swear (or affirm, as the case may be), that I will support the Constitution of the United States, and the Constitution of the State of Illinois, and that I will faithfully discharge the duties of the office of oil inspector, according to the best of my ability.

He shall also execute a bond payable to the people of the State, in such sum as shall be required by the county judge, city council or board of trustees, with one or more sureties to be approved by the county judge, mayor, or president of the board of trustees, conditioned for the faithful discharge of the duties of his office. Any person aggrieved by the misconduct or neglect of such inspector may maintain suit thereon for his own use. [As amended by act approved June 17, 1887. In force July 1, 1887.]

**602. Inspector to Test.] § 3.** Upon the application of any manufacturer, refiner or producer of, or any dealer in, any such oil or fluid, or of any officer or person to test any such oil or fluid, such inspector shall test the same with all reasonable dispatch by applying the fire test, as indicated and determined by J. Tagliabue's pyrometer, or some other instrument or means equally accurate, with which he shall have provided himself at his own expense.

**603. Test—Casks Marked—Inspector Not to Trade in Oil.] § 4.** If the oils or fluids so tested will not ignite or explode at a temperature less than one hundred and fifty de-

degrees Fahrenheit, the inspector shall mark, plainly and indelibly, on each cask, barrel or package "Approved, fire test being . . . . .;" but if said oils or fluids will ignite at a temperature less than one hundred and fifty degrees Fahrenheit, as aforesaid, then the inspector shall mark on each cask, barrel or package "Condemned for illuminating purposes; fire-test being . . . . ." Said inspector, while in office, shall not buy, sell, bargain or trade, directly or indirectly, in any of the said oils or fluids.

**604. Record Kept, and Open to Examination.] § 5.** He shall also, within twenty-four hours after making any inspection, make a full and fair entry thereof in a record book to be kept for that purpose, which shall be open to all persons wishing to examine the same.

**605. Penalty for Misconduct in Office.] § 6.** Any such inspector or deputy who shall falsely brand any package, cask or barrel, or be guilty of any fraud, deceit, misconduct or culpable negligence in the performance of any of his official duties, shall be fined not exceeding \$200, and be liable to the party injured for all damages occasioned thereby.

**606. Penalty for Neglect to Give Notice of, or Selling Oil not Inspected—Counterfeit Brands, Etc.] § 7.** Any manufacturer, refiner or producer of, or any dealer in coal oil, naphtha, gasoline, benzine, or other mineral oil or fluid, the product of petroleum, in any city, village or town in which such inspector is appointed, who shall neglect to give notice to such inspector, of any such oil or fluid in his possession not already inspected by some authorized inspector of the State, within two days after the same is made or refined by him or received into his possession, or shall offer any such oil or fluid for sale before the same has been so inspected, or shall sell or attempt to sell to any person, for illuminating purposes, any such oil which is below the approved standard—that is, having igniting point less than one hundred and fifty degrees

Fahrenheit, as is indicated and determined in the manner herein provided; or shall use any package, cask, barrel or other thing having the inspection brand thereon, the oil or fluid therein not having been inspected, or shall counterfeit any brand, shall be fined not exceeding \$200 and be liable to the party injured for all damages occasioned thereby, and all the casks, barrels or packages so falsely used, and their contents, shall be forfeited, and may be seized and sold.

**607. Fines—How Recovered and Disposed of.] § 8.** The fines herein provided may be recovered in the name of the People of the State of Illinois, before any justice of the peace of the county where the offense is committed, and when collected, one-half shall be paid to the informer, and the other half and the proceeds of the sale of all casks, barrels and packages, and the contents thereof seized, as herein provided, shall be paid into the city, village or town treasury.

## 24. PARKS.

### Section.

608. Power of Park Commissioners—Parks Now Under Control of Cities, Etc.

609. Power as to Parks Taken Under this Act.

### Section.

610. Reversion.

611. Power of City or Village.

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AN ACT entitled "An act to enable park commissioners having control of parks to take, regulate, control and improve parks now under the control of incorporated cities, villages or towns." [Approved and in force April 11, 1885.]

**608. Power of Park Commissioners — Parks Now Under Control of Cities, Etc.] § 1.** That every board of public park commissioners shall have the power to take under its control, and to regulate, control and to govern, in the same manner as it may govern other parks or boulevards, under its control, any public park now under the control or jurisdiction of any incorporated city, town or village: *Provided*, That the park so taken shall lie within the district or territory, the property of which shall be



taxable for the maintenance of the parks or boulevards under the control of any such board of park commissioners: *And, provided further*, that the consent of the authorities of any city, town or village having control of the park so to be taken, and also the consent in writing of the owners of a majority of the frontage of the lots and lands abutting on the park so to be taken, shall be first obtained.

**609. Power as to Parks Taken Under This Act.]**

§ 2. Such boards of park commissioners shall have the same power and control over the parks taken under this act, as are, or may be, by law vested in them, of and concerning the parks, boulevards or driveways now under their control.

**610. Reversion.]** § 3. In case any such parks so to be taken shall pass from the control of any such park board, the power and authority over the same, granted or authorized by this act, shall revert to the proper authorities of such city, town or village, as the case may be, as aforesaid.

**611. Power of City or Village.]** § 4. Any city, town or village in this State, shall have full power and authority to vest any such board of public park commissioners with the right to control, improve and maintain any such park within the district over which such board of park commissioners has jurisdiction for the purpose of carrying out the provisions of this act, in accordance with its intent.

## 25. PLATS.

## Section.

612. Laying Out Towns, Etc.

613. Certificate of Surveyor — Acknowledgment Record.

614. Dedication—Effect of.

615. Neglect to Plant Corner Stone, Etc.

616. Penalty for Selling Without Plat Recorded, Etc.

## Section.

617. Vacation of Whole Plat.

618. Of Part of Plat.

619. Canceling Plat of Record.

620. Plats of Highways, Etc. to be Made and Recorded.

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AN ACT to revise the law in relation to plats. [Approved March 21, 1874. In force July 1, 1874.]

**612. Laying Out Towns, Etc.] § 1.** Whenever the owner of lands shall wish to subdivide the same into two or more parts for the purpose of laying out a town, or making any addition to any city, village or town, or of re-subdividing any lots or blocks therein, he shall cause the same to be surveyed and a plat thereof to be made by the county surveyor or some other competent surveyor, which plat shall particularly describe and set forth all the streets, alleys, common or public grounds, and all the in and out lots or fractional lots or blocks within, adjoining or adjacent to the land so divided, giving the names, width, courses and extent of all such streets and alleys, and numbering all lots and blocks by progressive numbers, giving their precise length and width. Reference shall also be made upon the plat to some known and permanent monument from which future surveys may be made, or, if no such monument shall exist within convenient distance, the surveyor shall, at the time of making his survey, plant, and fix in such manner that the same shall not be moved by frost, at the corner of some public ground, or, if there be none, then at the corner of some lot or block most convenient for reference, a good and sufficient stone, to be furnished by the person for whom the survey is made, and designate upon the plat the point where the same may be found.

**613. Certificate of Surveyor — Acknowledgment — Record.] § 2.** The plat having been completed, shall be certified by the surveyor and acknowledged by the owner of

the land, or his attorney duly authorized, in the same manner as deeds of land are required to be acknowledged. The certificate of the surveyor and of acknowledgment, together with the plat, shall be recorded in the recorder's office of the county in which the land is situated, and such acknowledgment and record shall have like effect and certified copies thereof and of such plat or of any plat heretofore acknowledged and certified according to law, may be used in evidence to the same extent and with like effect, as in case of deeds.

**614. Dedication—Effect of.] § 3.** The acknowledgment and recording of such plat shall be held in law and in equity to be a conveyance in fee simple of such portions of the premises platted as are marked or noted on such plat as donated or granted to the public, or any person, religious society, corporation or body politic, and as a general warranty against the donor, his heirs and representatives to such donee or grantee for their use or for the use and purposes therein named or intended, and for no other use or purpose. And the premises intended for any street, alley, way, common or other public use in any city, village or town, or addition thereto, shall be held in the corporate name thereof in trust to and for the uses and purposes set forth or intended.

**615. Neglect to Plant Corner Stone, Etc.] § 4.** Whoever shall lay out any town or make any addition to any city, village or town, or re-subdivide any lots or blocks therein, and neglect to plant any corner stone when required by this act, or shall survey the same or cause it to be surveyed in any other manner than that which is prescribed in this act, shall be fined in any sum not less than 25 nor exceeding \$100.

**616. Penalty for Selling Without Plat Recorded, Etc.] § 5.** Whoever shall sell or offer for sale, or lease for any time exceeding five years, any lot or block in any town, city or village, or any addition thereto, or any re-subdivision of any lot or block therein, before all the requisitions of this act have

been complied with, shall be fined \$25 for each lot or block or part thereof so disposed of, offered for sale or leased.

**617. Vacation of the Whole Plat.]** § 6. Any such plat may be vacated by the owner of the premises at any time before the sale of any lot therein, by a written instrument declaring the same to be vacated, executed, acknowledged or proved, and recorded in like manner as deeds of land; which declaration being duly recorded, shall operate to destroy the force and effect of the recording of the plat so vacated, and to divest all public rights in the streets, alleys and public grounds, and all dedications laid out or described in such plat. When lots have been sold, the plat may be vacated in the manner herein provided by all the owners of lots in such plat joining in the execution of such writing.

**618. Of Part of Plat.]** § 7. Any part of a plat may be vacated in the manner provided in the preceding section, and subject to the conditions therein prescribed: *Provided*, such vacation shall not abridge or destroy any of the rights or privileges of other proprietors in such plat: *And, provided, further*, that nothing contained in this section shall authorize the closing or obstructing of any public highway laid out according to law.

**619. Canceling Plat of Record.]** § 8. When any plat or part thereof is vacated, the recorder in whose office the plat is recorded shall, upon the recording of such vacation, write in plain letters across the plat or part so vacated the word "vacated," and shall also make a reference on the same to the volume and page in which the instrument of vacation is recorded.

**620. Plats of Highways, Etc., to be Made and Recorded.]** § 9. Whenever any highway, road, street, alley, public ground, toll-road, railroad or canal is laid out, located, opened, widened or extended, or the location thereof altered, it shall be the duty of the commissioners, authorities, officers, persons or corpora-

tions, public or private, laying out, locating, opening, widening, extending or altering the same, to cause a plat thereof showing the width, courses and extent thereof, and making such reference to known and established corners or monuments that the location thereof may be ascertained, to be made, and recorded in the office of the recorder of the county in which the premises taken or used for the same, or any part thereof, are situated, within six months after such highway, road, street, alley, public ground, toll-road, railroad or canal is laid out, located, opened, widened or extended, or the location thereof altered; and when any highway, road, street, alley, public ground, toll-road, railroad or canal is vacated, the order, ordinance or other declaration vacating the same shall be in like manner recorded. This act shall not be construed to alter or effect any law specifically providing for the recording of any such plat, or to require the same to be recorded sooner than is so specifically provided; except that any requirements to record such plat in any other place than is provided herein shall not excuse the parties from complying with this act. Whoever shall refuse or neglect to comply with this section shall forfeit \$25, and the like sum for every month he shall continue in such refusal or neglect after conviction therefor, to be recovered before any justice of the peace of the county, in the name of the county, one-half to the use of the county, and the other half to the use of the person complaining.



## 26. POLICEMAN'S AND FIREMAN'S FUNDS.

## Section.

- 621. How Fund Created.
- 622. Mayor, Etc.—Trustees of Fund.
- 623. Board to Control Fund.
- 624. Treasurer to Give Bond for Fund.
- 625. Warrants Drawn on Treasurer.

## Section.

- 626. Permanent Disability—Death—Annuity.
- 627. Who May Obtain Benefit.
- 628. How Money Paid Out.
- 629. Repeal.

AN ACT to amend "An act for the relief of disabled members of the police and fire departments in cities and villages," approved May 24, 1877. In force July 1, 1877. [Approved May 10, 1879. In force July 1, 1879.

**621. How Fund Created.]** § 1. That one-half of all the rates, taxes and license fees which are, or may be hereafter required by law, to be paid by corporations, companies or association not incorporated under the laws of this State, engaged in any village or city in this State effecting fire insurance, and one-fourth of all moneys collected as a tax on dogs, where such city or village contains a population of 10,000 or more has a regularly organized fire department, by such city or village, and all moneys received from fines inflicted upon members of the police and fire departments for a violation of the rules and regulations of the service, and all fines recovered for violation of the fire ordinances, and all moneys accruing from the sale of unclaimed stolen property, shall be set apart by the treasurer of the city or village to whom the same shall be paid, as a fund for the relief of disabled members of the police and fire departments, of such city or village. [As amended by act approved June 23, 1883. In force July 1, 1883.

**622. Mayor, Etc.—Trustees of Fund.]** § 2. The mayor or president of the board of trustees, the superintendent or chief officer of the police department, the fire marshal or chief officer of the fire department, and the chairman of the committee on police and fire and water, of the city council or board of trustees of the city or village, with the comptroller

(if there be one) or city clerk and treasurer, shall constitute and be a board by the name of the trustees of the police and firemen's relief fund, and the treasurer of the city or village, shall be custodian of the funds of said police and firemen's relief fund. The said board shall select from their number a president and secretary.

**623. Board to Control Fund.] § 3.** The said board shall have the exclusive control and management of the fund mentioned in the first section of this act, and of all money donated, paid, or assessed for the relief of disabled policemen or firemen, and shall have the power to assess each and every member of the police and fire departments of such city or village, including all such persons who having become entitled to the benefits of this fund while such members of said police and fire departments, have not forfeited their rights to share in such benefits after leaving such departments as hereinafter provided, not to exceed the sum of five dollars (\$5.00) per annum, which shall be received and held by the treasurer of said relief fund, in like manner as the other moneys herein provided, to be paid to him; and any person who having become entitled to the benefits of this fund, shall not within one month after notice in writing to him from said board of the assessment against him, pay the same, shall not be entitled to, or receive any benefits secured to him under the provisions of this act, unless he shall make written application to the trustees of the fund to become a member thereof, and shall have by a majority vote of said trustees been admitted to membership in said organization, and upon his making payment of all delinquent assessments due by him accruing during his membership in such police or fire department. The said board may make all needful rules and regulations for its government in the discharge of its duties, and shall hear and decide all applications for relief under this act, and its decisions on such applications shall be final and conclusive, and not subject to review or reversal except by the board: *Provided,*

that nothing herein contained shall render the payment of any sum of money or annuity which may be awarded by the board, obligatory on the board, or chargeable against it as a legal right; but the board may, at any time in its discretion, order that such sums of money or annuity shall be reduced, or that payment of the same shall not be made. The board shall cause to be kept a record of all its meetings and proceedings.

**624. Treasurer to Give Bond for Fund.] § 4.** The treasurer of the board shall be the custodian of the fund in the first section of this act mentioned, and of all moneys donated, paid, or assessed towards or on account of the relief fund hereby created, and shall secure and safely keep the same, subject to the control and direction of the board, and shall keep his books and accounts in such a manner as may be prescribed by the board, and the same shall always be subject to the inspection of the board, or any member thereof. The treasurer shall, within ten days after his election or appointment, execute a bond to the city or village, as the case may be, with good and sufficient securities in such penal sum as the board may direct, to be approved by the board, conditional for the faithful performance of the duties of his office, and that he will safely keep and well and truly account for all moneys and property which may come to his hands as such treasurer, and that on the expiration of his term of office, he will surrender and deliver over to his successor all unexpended moneys and all property which may have come to his hands as such treasurer. Such bond shall be filed in the office of the clerk of such city or village, and in case of a breach of the same, or the conditions thereof, suit may be brought on the same, in the name of such city or village, for the use of said board, or of any person or persons injured by such breach.

**625. Warrants Drawn on Treasurer.] § 5.** It shall be the duty of the mayor and clerk, or the comptroller if there be one, and the officer or officers of such city or village, who

are or may be authorized by law, to draw warrants upon the treasurer of such city or village, upon request made in writing by said board, to draw warrants upon the treasurer of such city or village, payable to the treasurer of said board, for the fund set apart by such city or village treasurer, as prescribed by the first (1) section hereof.

**626. Permanent Disability—Death—Annuity.] § 6.** When, in the judgment of the board, a sufficient amount shall have accumulated in said fund to justify the application thereof to the use for which the same is hereby created, if any member of the police or fire departments, while in the actual performance of duty or other person entitled to the benefits of this fund as hereinafter provided, shall become permanently disabled, so as to render proper his retirement from membership, a sum not exceeding six hundred dollars (\$600) per annum, or such less sum as, in the judgment of the board, the fund will justify, shall be paid to such member out of said fund; or if any member, while in the actual discharge of duty shall be killed, or shall die from the immediate effects of an injury received by him while in such discharge of duty, or shall die after ten years service in the police or fire departments, and shall leave a widow, or if no widow, any child or children under the age of sixteen (16) years, a sum not exceeding six hundred (\$600) dollars per annum, or such less sum as, in the judgment of the board, the condition of the fund will justify, shall be paid to such widow so long as she shall remain unmarried, or to such child or children while under the age of sixteen years.

**627. Who May Obtain Benefits.] § 7.** Any person who shall have served in either the police or fire departments of said city or village for the full term of ten (10) years, and shall have paid into the fund hereby provided for all assessments regularly made upon him by the board of trustees as required by this act, and the regulations of the said board of

trustees passed in pursuance of this act, and shall have complied with all the rules and regulations lawfully established by the board of trustees in the same manner, as if such person was an active member in said police or fire department, may continue his membership in this organization, and be entitled to benefits of this fund after he shall have ceased to be a member in either said police or fire department, by complying with all the provisions of this act, relative to the payment of assessments, etc., the same as prior to his ceasing to be a member of said departments, and the widow or children of said person shall be entitled to all benefits hereby secured to other members of this organization.

**628. How Money Paid Out.]** § 8. All moneys ordered to be paid from said relief fund to any person or persons, shall be paid by the treasurer of said board only upon warrants signed by the president of the board and countersigned by the secretary, and no warrant shall be drawn except by order of the board, duly entered in the record of the proceedings of the board. In case the said relief fund, or any part thereof, shall by order of the said board or otherwise, be deposited in any bank, or loaned, all interest on money which may be paid or agreed to be paid, on account of any such loan or deposit, shall belong to and constitute a part of said fund. *Provided*, that nothing herein contained shall be construed as authorizing the said treasurer to loan the said fund, or any part thereof, unless so authorized by said board.

**629. Repeal.]** § 9. All acts or parts of acts, or amendments thereto, heretofore enacted, and in any manner conflicting with the provisions of this act, are hereby expressly repealed.



## 27. PUBLIC BUILDINGS.

## Section.

630. Doors to Open Outward.

631. Penalty.

## Section.

632. When Public Building May be Closed.

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AN ACT to regulate the means of egress from public buildings. [Approved March 28, 1874. In force July 1, 1874.]

**630. Doors to Open Outward.]** § 1. That all public buildings now in process of construction or hereafter to be built or constructed, which may or shall be used for churches, school houses, operas, theatres, lecture rooms, hotels, public meetings, town halls, or which may or shall be used for any purpose whereby a collection of people may be assembled together for religious worship, amusement or instruction, shall be so built and constructed that all doors leading from the main hall or place where said collection of people may be assembled, or from the the principal room which may be used for any of the purposes aforesaid, shall be so swung upon their hinges and constructed that said doors shall open outward; and that all means of egress for the public from the main hall or principal room, and from the building, shall be by means of doors which shall open outwards from the main hall or building.

**631. Penalty.]** § 2. That any person or persons who shall fail or refuse to comply with the provisions of this act shall be fined in any sum not less than \$100 nor more than \$1,000.

**632. When Public Buildings May be Closed.]** § 3. That in all cities and towns having a population of two thousand inhabitants, and upwards, the mayor, or other corporate authorities of said town or city, shall be empowered and he is hereby authorized to close and prohibit all public buildings, hereafter erected, from being used in violation of this act.

## 28. RAILROADS.

Section.	Section.
633. Boards at Crossings.	642. Penalty.
634. Bell and Whistle—Crossings.	643. Two or More Railroads Crossing Each Other on Same Level.
635. Killing Stock—Frightening Team.	644. Civil Engineer to Examine System, Etc.—Compensation.
636. Starting Train Without Signal.	645. Not to Obstruct Highway.
637. Approaches at Crossings.	646. Speed Through Cities, Etc.—Damages—Penalty.
638. Neglect to Make, Etc.—Crossings—Notice.	647. Flagmen—Shelter.
639. When Company Neglects—Authorities to Construct.	648. Penalties.
640. Company to Pay Expense and \$100.	
641. Draw Bridge—Railroad Crossing—Stop.	

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AN ACT in relation to fencing and operating railroads. [Approved March 31, 1874. In force July 1, 1874.]

**633. Boards at Crossings.] § 5.** Every railroad corporation shall cause boards, well supported by posts or otherwise to be placed and constantly maintained upon each public road or street, where the same is crossed by its railroad on the same level. Said boards shall be elevated so as not to obstruct the travel, and to be easily seen by travelers. On each side of said boards shall be painted in capital letters, of at least the size of nine inches each, the words, "railroad crossing," or "look out for the cars." This section shall not apply to streets in cities or incorporated towns or villages, unless such railroad corporation shall be required to put up such boards by the corporate authorities of such cities, towns or villages: *Provided*, that when warning boards have already been erected, under existing laws, the maintenance of the same shall be a sufficient compliance with the requirements of this section.

**634. Bell and Whistle—Crossings.] § 6.** Every railroad corporation shall cause a bell of at least thirty pounds weight, and a steam whistle placed and kept on each locomotive engine, and shall cause the same to be rung or whistled by the engineer or fireman, at the distance of at least eighty

rods from the place where the railroad crosses or intersects any public highway, and shall be kept ringing or whistling until such highway is reached.

**635. Killing Stock—Frightening Team.] § 6½.** Any engineer, or person having charge of and running any railroad engine or locomotive, who shall willfully or maliciously kill, wound or disfigure any horse, cow, mule, hog, sheep or other useful animal, shall, upon conviction, be fined in the sum of not less than the value of the property so killed, wounded or disfigured, or confined in the county jail for a period of not less than ten days; and any such engineer or fireman, or other person, who shall wantonly or unnecessarily blow the engine whistle, so as to frighten any team, shall be liable to a fine of not less than \$10 nor more than \$50.

**636. Starting Train Without Signal.] § 7.** If any engineer on any railroad shall start his train at any station, or within any city, incorporated town or village, without ringing the bell or sounding the whistle a reasonable time before starting, he shall forfeit a sum not less than \$10 nor more than \$100, to be recovered in an action of debt in the name of the People of the State of Illinois, and such corporation shall also forfeit a like sum, to be recovered in the same manner.

**637. Approaches at Crossings.] § 8.** Hereafter, at all of the railroad crossings of highways and streets in this State, the several railroad corporations in this State shall construct and maintain said crossings, and the approaches thereto, within their respective rights of way, so that at all times they shall be safe as to persons and property.

**638. Neglect to Make, Etc., Crossings—Notice.] § 9.** Whenever any railroad corporation shall neglect to construct and maintain any of its crossings and approaches, as provided in section 8 of this act, it shall be the duty of the proper public authorities, having the charge of such highways or streets, to notify, in writing, the nearest agent of said railroad corpor-

ation of the condition of said crossing or approaches, and direct the same to be constructed, altered or repaired in such manner as they shall deem necessary for the safety of persons and property.

**639. When Company Neglects, Authorities to Construct, Etc.]** § 10. If any railroad corporation of this State shall, after having been notified, as provided in section 9 of this act, neglect or refuse to construct, alter or repair such crossing or approaches within thirty days after such notice, then said public authorities shall forthwith cause such construction, alteration or repairs to be made.

**640. Company to Pay Expenses and \$100.]** § 11. Said railroad corporation shall be holden for all necessary expenses incurred in making such construction, alteration and repairs, and in additon thereto shall be liable to a fine of \$100 for such neglect to comply with the requirements of this act, which fine shall be enforced by the said public authorities, in the name of the People of the State of Illinois, before any court of competent jurisdiction in the county. Such fine, when collected, to be paid into the treasury of the authorities enforcing the fine.

**641. Draw Bridge—Railroad Crossing, Etc.—Stop.]** § 12. All trains running on any railroad in this State, when approaching a crossing with another railroad upon the same level, or when approaching a swing or draw bridge, in use as such, shall be brought to a full stop before reaching the same, and within eight hundred (800) feet therefrom, and the engineer or other person in charge of the engine attached to the train shall positively ascertain that the way is clear and that the train can safely resume its course before proceeding to pass the bridge or crossing. [As amended by act approved June 19, 1885. In force July 1, 1885.

**642. Penalty.]** § 13. Every engineer or other person having charge of such engine, violating the provisions of the

preceding section, shall be liable to a penalty of two hundred dollars for each offense, to be recovered in an action of debt in the name of the People of the State of Illinois, and the corporation on whose road such offense is committed, shall be liable to a penalty of not exceeding two hundred dollars, to be recovered in like manner, the amount so recovered to be paid into the treasury of the county in which the offense occurs, but no recovery shall be had in any case for any offense committed more than sixty days prior to the commencement of the action. The provisions of this and of the preceding section shall extend to and govern all cases of neglect or failure to stop the train as required by law before passing any bridge or railroad crossing, whether occurring before or after the said provisions shall take effect, and no act or part of an act inconsistent with such operation and effect being given to this law shall in any way apply hereto. [As amended by act approved June 19, 1885. In force July 1, 1885.]

AN ACT in regard to the dangers incident to railroad crossings on the same level. [Approved June 3, 1887. In force July 1, 1878.]

**643. Two or More Railroads Crossing Each Other on the Same Level—Requirements.] § 1.** That when, and in case two or more railroads crossing each other at a common grade, shall by a system of interlocking and automatic signals, or by other works, fixtures and machinery to be erected by them, or either of them, render it safe for engines and trains to pass over such crossing without stopping, and such system of interlocking and signals, works or fixtures, shall first be approved by the Railroad and Warehouse Commissioners, or any two of them, and a plan of such interlocking and signals, works and fixtures, for such crossing designating the plan of crossing shall have been filed with such Railroad and Warehouse Commissioners, then, and in that case, it is hereby lawful for the engines and trains of any such railroad or railroads to pass over said crossing without stopping, any law, or the provisions of any law now in force, to the contrary not-



withstanding; and all such other provisions of laws, contrary hereto, are hereby declared not to be applicable in such case: *Provided*, that the said Railroad and Warehouse Commissioners shall have power in case such interlocking system, in their judgment, shall by experience prove to be unsafe or impracticable, to order the same to be discontinued.

**644. Civil Engineer to Examine System, Etc.—Compensation.]** § 2. The said Railroad and Warehouse Commissioners may appoint a competent civil engineer to examine such proposed system and plans, and report the result of such examination for the information of such Railroad and Warehouse Commissioners; and said Railroad and Warehouse Commissioners are hereby authorized to allow and reward five dollars per day as a compensation for the services of such civil engineer, or such reasonable sum as such commissioners shall deem fit, and to allow and to reward such other and further sums, as they shall deem fit to pay all other fees, costs and expenses to arise under said application, to be paid by the railroad company or companies in interest, to be taxed and paid or collected as in other cases. And the said Railroad and Warehouse Commissioners are also empowered on application for their approval of any such system of interlocking and signals, works or fixtures, to require of the applicant security for such fees, costs and expenses, or the deposit, in lieu thereof, of a sufficient amount in money for that purpose to be fixed by them.

**645. Not to Obstruct Highway.]** § 14. No railroad corporation shall obstruct any public highway by stopping any train upon, or by leaving any car or locomotive engine standing on its track, where the same intersects or crosses such public highways, except for the purpose of receiving or discharging passengers, or to receive the necessary fuel and water, and in no case to exceed ten minutes for each train, car or locomotive engine.

**646. Speed Through Cities, Etc.--Damages--Penalties.]**

§ 24. Whenever any railroad corporation shall by itself or agents run any train, locomotive engine, or car, at a greater rate of speed in or through the incorporated limits of any city, town or village, than is permitted by any ordinance of such city, town or village, such corporation shall be liable to the person aggrieved for all damages done the person or property by such train, locomotive engine or car; and the same shall be presumed to have been done by the negligence of said corporation or their agents; and in addition to such penalties as may be provided by such city, town or village, the person aggrieved by the violation of any of the provisions of this section, shall have an action against such corporation, so violating any of the provisions to recover a penalty of not less than one hundred dollars (\$100), nor more than two hundred dollars (\$200), to be recovered in any court of competent jurisdiction; said action to be an action of debt, in the name of the People of the State of Illinois, for the use of the person aggrieved; but the court or jury trying the case may reduce said penalty to any sum, not less, however, than fifty dollars (\$50), where the offense committed by such violation may appear not to be malicious or willful: *Provided*, that no such ordinance shall limit the rate of speed, in case of passenger trains to less than ten miles per hour, nor in any other case to less than six miles per hour. [As amended by act approved May 22, 1877. In force July 1, 1877.]

**647. Flagmen—Shelter.]** § 35. In all cases where the public authorities having charge of any street over which there shall be a railroad crossing, shall notify any agent of the corporation owning, using or operating such railroad, that a flagman is necessary at such crossing, it shall be the duty of such railroad company, within sixty days thereafter, to place and retain a flagman at such crossing, who shall perform the duties usually required of flagmen; and such flagman is hereby empowered to stop any and all persons from crossing

a railroad track when, in his opinion, there is danger from approaching trains or locomotive engines; and any railroad company refusing or neglecting to place flagmen, as required by this section, shall be liable to a fine of \$100 per day for every day they shall neglect or refuse to do so; and it is hereby made the duty of such public authorities having charge of such street, to enforce the payment of such fine, by suit, in the name of the town or municipal corporation wherein such crossing shall be situate, before any court of competent jurisdiction in the county, and the prosecuting attorney shall attend to the prosecution of all suits as directed by said public authorities. All the moneys collected under the provisions of this act shall be paid into the treasury of the town or municipal corporation in whose name such suits shall have been brought: *Provided*, that when any railroad company is required to keep a flagman at a crossing, it shall have the right to erect and maintain in the highway or street crossed a suitable house for the shelter of such flagman, the same to be so located as to create the least obstruction to the use of such street or highway, and afford the best view of the railroad track in each direction from such crossing.

**648. Penalties.]** § 36. If any railroad corporation, or any of its agents, servants or employees, shall violate any of the provisions of this act, such corporation, agent, servant or employee shall, severally, unless otherwise herein provided, be liable to a fine of not less than \$10 nor more than \$200, to be recovered in an action of debt, in the name of the People of the State of Illinois, for the use of any person aggrieved, before any court of competent jurisdiction.

## 29. RIOT.

Section.

649. City Liable for Damages.

650. Action, How Brought—Judgment.

651. When Entitled to Recover.

652. Action by Party Against Persons Engaged in Riot—Lien of City, Etc.

Section.

653. Action by City Against Persons Engaged in Riot.

654. Notice of Claim of Damages—When Action Shall be Brought.

655. When City Settles Claim.

AN ACT to indemnify the owners of property for damages occasioned by mobs and riots. [Approved June 15, 1887. In force July 1, 1887.]

**649. City Liable for Damages.] § 1.** That whenever any building or other real or personal property, except property in transit, shall be destroyed or injured in consequence of any mob or riot composed of twelve or more persons, the city, or if not in a city then the county in which such property was destroyed, shall be liable to an action by or in behalf of the party whose property was thus destroyed or injured, for three-fourths of the damages sustained by reason thereof.

**650. Action, How Brought—Judgment.] § 2.** Such action may be brought in the form of an action on the case, or other appropriate action, and whenever any final judgment shall be secured against any such city or county in any such action, the same shall be paid in due course as in case of other judgments.

**651. When Entitled to Recover.] § 3.** No person or incorporation shall be entitled to recover in any such action if it shall appear on the trial thereof that such destruction or injury of property was occasioned, or in any way aided, sanctioned or permitted by the carelessness, neglect or wrongful act of such person or corporation; nor shall any person or corporation be entitled to recover any damages for any destruction or injury of property as aforesaid, unless such party shall have used all reasonable diligence to prevent such damage.

**652. Action by Party Against Persons Engaged in Riot—Lien of City, Etc.] § 4.** Nothing in this act shall be construed to prevent any person or corporation whose property has been injured or destroyed in consequence of any mob or riot, from having or maintaining an action or actions against any person or persons, engaged or in any manner participating in such mob or riot, for the recovery of the damages sustained thereby: *Provided*, that when such city or county, shall have paid any part of such damage, such city, or county, making such payment shall have a lien to the amount so paid upon any judgment or claim, against any person or persons engaged in, or in any manner participating in such mob or riot, together with the right and power to enforce and collect such judgment or claim, and when such city or county shall have been reimbursed the money so paid by it, such portion of such judgment or judgments, or claim or claims remaining unpaid shall then revert to, and become the property of the original owner thereof, and such owner shall have the right to enforce and collect the same.

**653. Action by City Against Persons Engaged in Riot.] § 5.** It shall be lawful for the city or county against which a judgment, or judgments, for damages shall be recovered under the provisions of this act, to bring an action, or actions against any person or persons engaged or in any manner participating in said mob or riot, for the recovery of the amount of said judgment or judgments and costs, and such actions shall not abate or fail by reason of too many or too few parties defendant being named therein; the same shall to all intents and purposes be treated as an action of trespass brought by the owners of such property, except that the statute of limitations as to such action shall not begin to run against said city or county until its liability is fixed by judgment as hereinbefore provided..



**654. Notice of Claim of Damages — When Action Shall be Brought.]** § 6. No action shall be maintained under the provisions of this act, by any person or corporation whose property shall have been destroyed or injured as aforesaid, unless notice of claim for damages be presented to such city or county within thirty days after such loss or damage occurs and such action shall be brought within twelve months after such destruction or injury occurs, but nothing in this act shall be construed as authorizing any recovery by the United States, the State of Illinois, or any county, for the destruction of, or injury to property by mobs or riots.

**655. When City Settles Claim.]** § 7. Any city or county may settle with, and pay, the owner of any such property the damages so sustained; and any such city or county which shall have paid any sum under the provisions of this act, whether by voluntary settlement or otherwise, may recover the same with all costs paid by it from any or all the persons engaged in the destruction or injury of the property so paid for.

### 30. ROADS AND BRIDGES.

#### Section.

656. Commissioners Certificate—Taxes Extended—How Collected and Paid.

657. Tax of Town or Village.

658. May Construct or Acquire Bridges and Roads Within and Without City.

#### Section.

659. Subject to Municipal Control.

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**656. Commissioners' Certificate—Taxes Extended—How Collected and Paid.]** § 16. The commissioners at said semi-annual meeting, shall make a certificate of the rate per centum finally agreed upon, by virtue of sections thirteen and fourteen of this act, also the amount to liquidate road and ditch damages, and shall cause such certificate to be delivered to the town clerk, to be kept by him on file for the inspection

of the inhabitants of said town, and the town clerk shall at once certify these two items of levy to the county clerk to be by him extended as one tax upon the collector's book of said town, to be collected as other taxes, and when collected shall be paid to the treasurer of the commissioners by the collector as fast as the same is collected, except such rate per cent. as shall be allowed for collecting the same: *Provided*, that one-half the tax required to be levied in sections thirteen and fourteen and collected for road and bridge purposes, on the property lying within an incorporated village, town or city in which the streets and alleys are under the care of the corporation, shall be paid over to the treasurer of such village, town or city, to be appropriated to the improvement of roads, streets and bridges either within or without said village, town or city, and within the township under the direction of the corporate authorities of such village, town or city: *And provided, further*, that when any of said tax is expended beyond the limits of said village, town or city, it shall be with the consent of the road commissioners of the town: *Provided, further*, that in all cities of thirty-five thousand (35,000) inhabitants or upwards, all of said tax required to be levied and collected under said sections thirteen and fourteen within the limits of such city, shall be paid over to the treasurer of such city for city purposes. [As amended by act approved June 3, 1889. In force July 1, 1889.

AN ACT in regard to roads and bridges in counties under township organization, and to repeal an act and parts of acts therein named. [Approved June 23, 1883. In force July 1, 1883.

**657. Tax of Town or Village.] § 83.** The commissioners of highways of each town shall annually ascertain, as near as practicable, how much money must be raised by tax on real and personal property, and railroad property known as "railroad track" and "rolling stock," for the making and repairing of roads only, to any amount they may deem necessary, not exceeding forty cents on each one hundred dollars'

worth, as equalized and assessed by the State Board of Equalization, for the purposes of taxation for the previous year, and shall levy and assess the same as a road tax against said property: *Provided*, that the tax on the property levied for road purposes only, lying within an incorporated village, town or city, in which the streets and alleys are under the care of the corporation, shall be paid over to the treasurer of such village, town or city, to be appropriated to the improvement of roads, streets and bridges, either within or without said village, town or city, and within the township, under the direction of the corporate authorities of such village, town or city: *Provided, further*, that when any of said tax is expended beyond the limits of said village, town or city, it shall be with the consent of the road commissioners of the town: *And, provided, further*, that the authorities, of such incorporated town, city or village, may, at any time, direct the collector not to collect the tax so levied within the limits of such incorporated town, city or village.

AN ACT to amend an act and the title thereto, entitled "An act to enable cities and villages to build, acquire and maintain bridges and ferries outside of their corporate limits, and to control the same," approved and in force May 5, 1879.

§ 1. That an act entitled "An act to enable cities and villages to build, acquire and maintain bridges and ferries outside of their corporate limits, and to control the same," approved and in force May 5, 1879, be amended, with the title thereto, so as to hereafter read as follows:

An act to enable cities and villages to build, acquire and maintain bridges and ferries outside their corporate limits, and to control the same; also to construct, improve and maintain roads, outside their corporate limits.

• 658. May Construct or Acquire Bridges and Roads Within and Without City.] § 1. That it shall be lawful for any city or village within this State to build, or acquire by

purchase, lease or gift, and to maintain ferries and bridges, and the approaches thereto, for each ferry or bridge within the corporate limits, or, at any point within five (5) miles of the corporate limits, of such city or village; also to construct, improve and maintain roads within five (5) miles of the corporate limits of such city or village, connecting with said bridges and ferries on either side thereof. That all such ferries, bridges and roads shall be free to the public and no toll shall ever be collected by any such city or village authority: *Provided*, that where any city or village has become or is the owner of any toll bridges or ferries and is keeping up and maintaining the same by authority of law, all ownership and rights vested in such city or village shall continue in and be held and exercised by them, and they may from time to time fix the rates of toll on such bridges and ferries: *And, provided, further*, that in all cases where a bridge shall hereafter be built, or a ferry acquired across a navigable stream, by any city or village, in whole or in part, where the population of such city or village furnishing the principal part of the expenses thereof shall not exceed five thousand (5,000) inhabitants, and where it is necessary to maintain a draw and lights, and a debt shall be incurred by such city or village for such purpose, then a reasonable toll may be collected by the city or village contracting such indebtedness, to be set apart and appropriated to the payment of such indebtedness, interest thereon and the expenses of keeping such bridge in repair and of maintaining, opening and closing the proper draws therefor, and lights; or, in case of a ferry, keeping the approaches and boat in repair and operating the same.

**659. Subject to Municipal Control.]** § 2. Every bridge or ferry so owned or controlled by such city or village, and the approaches thereto, when outside the corporate limits, shall be subject to the municipal control and ordinances of such city or village, the same to all intents and purposes and in effect as though such bridge or ferry and the approaches

thereto were situated within the corporate limits of such city or village, and in such case the county may assist in the construction of said bridge, as is now provided by law.

Approved June 16, 1891.

### 31. SALE OF PROPERTY.

Section.

660. Cities May Sell—When and How.

661. Ordinance—Notice to Bid—Acceptance or Refusal of Bid.

Section.

662. Deeds of Conveyance.

AN ACT to authorize cities and villages to convey any real or personal estate, or their right and title therein, when the same shall be no longer necessary for, or profitable to, or its longer retention be for the best interests of such city or village. [Approved March 22, 1889. In force July 1, 1889.]

**660. Cities May Sell—When.] § 1.** That any city or village incorporated under any general or special law of this State, which shall have acquired or hold any real or personal estate for any purpose whatsoever, is hereby authorized and empowered by ordinance passed by three-fourths of the members of the city council of any such city, or of the board of trustees of any such village, at any regular or at any special meeting called for such purpose, to sell such property when the same shall, in the opinion of such majority of such city council or board of trustees, be no longer necessary, appropriate or required for the use of such city or village, or profitable to, or its longer retention be for the best interests of such city or village.

**661. Ordinance—Notice to Bid—Acceptance or Refusal of Bid.] § 2.** Such ordinance shall specify the location of such real or personal estate, and the use thereof, of whatever kind the same may be, and before any sale shall be made under or by virtue of any such ordinance, by the city council of any such city, or the board of trustees of any such village, such ordinance and proposal to sell shall be published in one



of its daily or weekly papers for a period of not less than sixty days, and if no paper be published in such city or village, then it shall be published in some paper of general circulation in this State nearest to such city or village. Such notice shall contain an accurate description of such property, the purpose for which it is used, and at what meeting the bids will be considered and opened, and shall advertise for sixty days for bids therefor. All such bids shall be opened only at a regular meeting of such city council or board of trustees, and shall be accepted only upon a vote of three-fourths of the members of such city council or board of trustees: *Provided, however,* that the city council or board of trustees may by a majority vote reject any and all bids.

**662. Deeds of Conveyance.]** § 3. Upon any bid having been accepted and the purchase price duly paid or secured, the mayor and city clerk, or the president of the board of trustees and the clerk of such board, shall have the power to convey such real and personal estate and transfer the same to such party or parties whose bids have been accepted, by proper deed or deeds of conveyance, stating therein the price therefor, with the seal of the corporation.

## 32. SCHOOLS.

## Section.

- 663. Apportionment of State, County and Other Funds.
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- 667. Election of President of Board.
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- 715. How City May Convey Realty for School Purposes.

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AN ACT to establish and maintain a system of free schools. [Approved and in force May 21, 1889.]

## ARTICLE II.

**663. Apportionment of State, County and Other Funds.]**

§ 20. Upon the receipt of the amount due upon the Auditor's warrant, the county superintendent shall apportion said amount, also the interest on the county fund and the fines and forfeit-

ures, to the several townships and parts of townships in his county, in which townships or parts of townships schools have been kept in accordance with the provisions of this act and with the instructions of the State and county superintendents according to the number of children, under twenty-one years of age, returned to him, and shall pay over the distributive share belonging to each township and fractional township, to the respective township treasurers, or other authorized person, annually: *Provided*, that no part of the State, county or other school fund shall be paid to any township treasurer, or other person authorized by said treasurer, unless said township treasurer has filed his bond, as required by section 1, of Article IV, of this act, nor in case said treasurer is re-appointed by the trustees, unless he shall have renewed his bond and filed the same as aforesaid.

## ARTICLE V.

### BOARD OF DIRECTORS.

**664. Powers of Directors.** | § 27. The board of school directors shall be clothed with the following additional powers:

*First*—To use any funds belonging to their district, and not otherwise appropriated, for the purchase of a suitable book for their records. And the said records shall be kept in a punctual, orderly and reliable manner.

*Second*—Said directors may, where they deem the amount of labor done sufficient to justify it, allow the clerk of such board of directors, out of any funds not otherwise appropriated, compensation for duties actually performed.

*Third*—They shall have power to dismiss a teacher for incompetency, cruelty, negligence, immorality or other sufficient cause.

*Fourth*—They shall have power to assign pupils to the several schools in the district, to admit non-residents, when it

can be done without prejudice to the rights of resident pupils, to fix rates of tuition, collect and pay the same to the township treasurer for the use of said district.

*Fifth*—They may suspend or expel pupils who may be guilty of gross disobedience or misconduct, and no action shall lie against them for such expulsion or suspension.

*Sixth*—They may provide that children under twelve (12) years of age shall not be confined in school more than four hours daily.

*Seventh*—They may appropriate for the purchase of libraries and apparatus; any school funds remaining after all necessary school expenses are paid.

*Eighth*—When any school district owns any personal property not needed for school purposes, the directors of such district may sell such property at public or private sale, as in their judgment will be for the best interest of the district, and the proceeds of such sale shall be paid over to the treasurer of such district, for the benefit of said school district.

*Ninth*—They may grant special holidays whenever in their judgment such action is advisable: *Provided*, no teacher shall be required to make up the time lost by the granting of such holidays.

*Tenth*—They shall have the control and supervision of all school houses in their district, and may grant the temporary use of school houses when not occupied by schools, for religious meetings and Sunday schools, for evening schools and literary societies, and for such other meetings as the directors may deem proper.

*Eleventh*—They shall have power to decide when the school house site or the school buildings have become unnecessary, or unsuitable, or inconvenient for a school.

*Twelve*—They may borrow money and issue bonds therefor for building school houses, purchasing sites, repairing and improving school houses, in the way and manner provided for by Article IX of this Act.

## ARTICLE VI.

## BOARD OF EDUCATION.

**665. School Law Applicable to Cities.]** § 1. Incorporated cities and villages, except such as now have charge and control of free schools by special acts, shall be and remain parts of the school townships in which they are respectively situated and be subject to the general provisions of the school law, except as otherwise provided in this article.

**666. Board of Education.]** § 2. In all school districts having a population of not less than one thousand and not over one hundred thousand inhabitants and not governed by any special act in relation to free schools now in force, there shall be elected, instead of the directors provided by law in other districts, a board of education, to consist of a president of the board of education, six members and three additional members for every additional ten thousand inhabitants. Whenever additional members of such board of education are to be elected by reason of increased population of such district, such members shall be elected on the third Saturday of April succeeding the ascertaining of such increase by any special or general census, and the notice of such election shall designate the term for which the members are to be elected, so that one third of the board shall be elected for each year: *Provided*, that in no case shall said board consist of more than fifteen members.

**667. Election of President of Board.]** § 3. The president of said board of education shall be elected annually, at the same time the members of the board of education are elected, and he shall hold his office for the term of one year, and until his successor is elected and qualified.

**668. Duties of President of Board.]** § 4. The president of the board of education so elected, shall preside at all meetings of said board and shall give the casting vote in case



of a tie between the members thereof; but otherwise he shall not have a vote. He shall sign all orders for the payment of money ordered by said board, and generally perform such duties as are imposed by law upon presidents of boards of directors, or that may be imposed upon him by said board of education not in conflict with law: *Provided*, that in the absence or inability to act as said president, said board may appoint a president *pro tempore* from their number.

**669. Election and Terms of Members.]** § 5. The annual election of members of the board of education shall be on the third Saturday in April, when one-third of the members shall be elected for three years and until their successors are elected and qualified.

**670. Notice of Election.]** § 6. Notice of such election shall be given by the board of education at least ten days previous to such election by posting notices in at least three of the most public places in said district which shall specify the place where such election is to be held, the time of opening and closing the polls and the purpose for which such election is held, which notice may be in the following form, to-wit:

Public notice is hereby given, that on Saturday the ..... day of April A. D. ...., an election will be held at ..... between the hours of ..... and ..... of said day, for the purpose of electing a president of the board of education of district number.....township No....., range No..... and ..... members of the board of education of said district.

Dated this.....day of....., A. D.....

A..... B..... President.  
C..... D..... Clerk.

**671. Failure to Give Notice.]** § 5. In case of a failure to give the notice above provided for, such election may be held on any Saturday after such notice has been given aforesaid.

**672. Election—How Conducted.]** § 8. Such election shall be conducted in the same manner and be governed by the provisions of this act, relating to the election of boards of directors, except as otherwise provided by law.

**673. First Election—To Succeed Directors—Terms of Office.]** § 9. At the first election of directors succeeding the passage of this act, in any district having a population of

not less than one thousand inhabitants by the census of 1880, and in such other districts as may hereafter be ascertained by any special or general census to have a population of not less than one thousand inhabitants at the first election of directors occurring after taking such special or general census there shall be elected a board of education, who shall be the successors of the directors of the district; and all rights of property and all rights or causes of action existing or vested in such directors, shall vest in said board of education, in as full and complete a manner as was vested in the school directors. Such board, at its first meeting, shall fix, by lot, the terms of office of its members, so that one-third of them shall serve for one year, one-third for two years, and one-third for three years, and thereafter one-third shall be elected annually on the third Saturday in April, to fill the vacancies occurring, and to serve for the term of three years.

**674. Powers of Board of Education.] § 10.** The board of education shall have all the powers of school directors, and in addition thereto, and inclusive thereof, they shall have the power and it shall be their duty—

*First*—To establish and support free schools not less than six nor more than ten months in each year.

*Second*—To repair and improve school houses and furnish them with the necessary fixtures, furniture apparatus, libraries and fuel.

*Third*—To examine and employ teachers and fix the amount of their salaries.

*Fourth*—To establish schools of different grades and make regulations for the admission of pupils into the same.

*Fifth*—To buy or lease sites for school houses with the necessary grounds: *Provided*, it shall not be lawful for such board of education to purchase or locate a school house site or to purchase, build or move a school house, unless authorized by a majority of all voters voting at an election called for such

purpose in pursuance of a petition, signed by not less than five hundred legal voters of such district, or by one-fifth of all the legal voters of such district.

*Sixth*—To levy a tax annually upon the taxable property of the district in the manner provided in Article VIII of this Act, for the purpose of supporting and maintaining free schools in accordance with the powers herein conferred: *Provided*, that it shall not be lawful for such board of education to levy a tax to extend schools beyond the period of ten months in each year, except upon petition of a majority of the voters of the district: *And provided further*, that all taxes shall be levied under the limitations relating to the percentage of the

*Seventh*—To employ, should they deem it expedient, a competent and discreet person or persons as superintendent or superintendents of schools, and fix and pay a proper salary or salaries therefor; and such superintendent may be required to act as principal or teacher in such schools.

*Eighth*—To lay off and divide the district into sub-districts, and from time to time alter the same, create new ones and consolidate them.

*Ninth*—To visit all the public schools as often as once a month, to inquire into the progress of scholars and the government of the schools.

*Tenth*—To prescribe the method and course of discipline and instruction in the respective schools, and to see that they are maintained and pursued in the proper manner.

*Eleventh*—To expel any pupil who may be guilty of gross disobedience or misconduct; no action shall lie against them for such expulsion.

*Twelfth*—To dismiss and remove any teacher, whenever, in their opinion, he or she is not qualified to teach, or whenever from any cause the interests of the schools may in their opinion require such removal or dismissal.

*Thirteenth*—To apportion the scholars to the several schools.

*Fourteenth*—To establish and promulgate all such by-laws,

rules and regulations for the government and the establishment and maintenance of a proper and uniform system of discipline in the several schools, as may in their opinion be necessary.

*Fifteenth*—To take charge of the school houses, furniture, grounds and other property belonging to the district, and see that the same are kept in good condition and not suffered to be unnecessarily injured or deteriorated.

*Sixteenth*—To provide fuel and such other necessities for the schools as in their opinion may be required in the school houses, or other property belonging to or under the control of the district.

*Seventeenth*—To appoint a secretary and provide well bound books at the expense of the school tax fund, in which shall be kept a faithful record of all their proceedings.

*Eighteenth*—To annually prepare and publish in some newspaper, or in pamphlet form, a report of the number of pupils instructed in the year preceding, the several branches of study pursued by them, of the number of persons between the ages of twelve and twenty-one unable to read or write, and the receipts and expenditures of each school, specifying the source of such receipts and the objects of such expenditures.

**675. Expenditures decided by yea and nay vote.] § 11.** In all questions involving the expenditure of money, the yeas and nays shall be taken and entered on the records of the proceedings of the board.

**676. Powers Exercised only at Regular or Special Meeting.] § 12.** None of the powers herein conferred upon boards of education shall be exercised by them, except at a regular or special meeting of the board.

**677. Titles in Trustees.] § 13.** All conveyances of real estate shall be made to the township trustees in trust for the use of schools, and no conveyance of any real estate or inter-

est therein used for school purposes, or held in trust for schools, shall be made except by the board of trustees, upon the written request of such board of education.

**678. Money held as Special Fund, subject to Order of Board.]** § 14. All money raised by taxation for school purposes, or received from the state common school fund, or from any other source, for school purposes, shall be held by the township treasurer as a special fund for school purposes, subject to the order of the board of education, upon warrants signed by the president and secretary thereof.

**674. Schools under Special Charter may Adopt this Provision.]** § 15. Any city, incorporated town, township or district in which free schools are now managed under any special act, may, by vote of its electors, cease to control such school under such special act, and become a part of the school township in which it is situated, and subject to the control of the trustees thereof, under and according to the provisions of this act.

Upon petition of fifty voters of such city, town, township or district, presented to the board having the control and management of schools in such city, town, township or district, it shall be the duty of such board, at the next ensuing election to be held in such city, town, township or district, to cause to be submitted to the voters thereof, giving not less than fifteen days' notice thereof, by posting not less than five notices, in the most public places in such city, town, township or district, the question of "Organization under the free school law;" which notice shall be in the following form, to-wit:

Public notice is hereby given that on the..... day of..... A. D.....an election will be held at..... between the hours of..... M. and..... M. of said day, for the purpose of deciding the question of "organization under the free school law."

**680. Organization Hereunder—Election.]** § 16. If it shall appear on a canvass of the returns of such election that a majority of the votes cast at such election are "For organization under the free school law," then at the next ensuing



regular meeting of the board of trustees of the township or townships in which such city, incorporated town, township or district is situated, said trustees shall proceed to redistrict the township or townships, as aforesaid, in such manner as shall suit the wishes and convenience of a majority of the inhabitants in their respective townships, and to make a division of funds and other property in the manner provided for by section 63, of article 3, of this act, and on any Saturday thereafter there shall be elected in each of the new districts so formed, a director, directors or board of education, as the case may be, in the manner provided for in section 6 of article 5 of this act, and thereafter such districts shall proceed as other districts under this act. But all subsequent elections of directors or boards of education shall be conducted as provided in sections 5 and 8 of article 5 of this act.

**681. Who Eligible to Membership.]** § 18. Any person having resided in any such city more than five years next preceding his appointment, shall be eligible to membership of such board of education.

**682. Organization of Board.]** § 19. The said board of education shall appoint a president and secretary, the president to be appointed from their own number, and shall appoint such other officers and employes as such board shall deem necessary, and shall prescribe their duties, and compensation and term of office.

**683. Books—Records—Yeas and Nays.]** § 20. The said board shall provide well bound books, at the expense of the school tax fund, in which shall be kept a faithful record of all their proceedings. The yeas and nays shall be taken and entered on the records of the proceedings of the board upon all questions involving the expenditure of money.

**684. Power of Board—With Consent of Council.]** § 21. The said board of education shall have charge and con-

trol of the public schools in such cities, and shall have power, with the concurrence of the city council.

*First*—To erect or purchase buildings suitable for school houses, and keep the same in repair.

*Second*—To buy or lease sites for school houses, with the necessary grounds.

*Third*—To issue bonds for the purpose of building, furnishing and repairing school houses, for purchasing sites for the same, and to provide for the payment of said bonds; to borrow money for school purposes upon the credit of the city.

**685. Powers of Board.] § 22.** The said board of education shall have power—

*First*—To furnish schools with the necessary fixtures, furniture and apparatus.

*Second*—To maintain, support and establish schools, and supply the inadequacy of the school funds for the salaries of school teachers from school taxes.

*Third*—To hire buildings or rooms for the use of the board.

*Fourth*—To hire buildings or rooms for the use of schools.

*Fifth*—To employ teachers and fix the amount of their compensation.

*Sixth*—To prescribe the school books to be used, and the studies in the different schools.

*Seventh*—To lay off and divide the city into school districts, and from time to time to alter the same and create new ones, as circumstances may require, and generally to have and possess all the rights, powers and authority required for the proper management of schools, with power to enact such ordinances as may be deemed necessary and expedient for such purpose.

*Eighth*—To expel any pupil who may be guilty of gross disobedience or misconduct.

*Ninth*—To dismiss and remove any teacher whenever, in

their opinion, he or she is not qualified to teach, or whenever, from any cause, the interests of the school may, in their opinion, require such removal or dismissal.

*Tenth*—To apportion the scholars to the several schools.

*Eleventh*—To lease school property, and to loan moneys belonging to the school fund.

**686. Duty of Board.] § 23.** It shall be the duty of such board of education:

*First*—To take the entire superintendence and control of the schools in such cities.

*Second*—To examine all persons offering themselves as candidates for teachers, and, when found well qualified, to give them certificates gratuitously.

*Third*—To visit all the public schools as often as once a month.

*Fourth*—To establish all such by-laws, rules and regulations for the government, and for the establishment and maintenance of a proper and uniform system of discipline in the several schools, as may, in their opinion, be necessary.

*Fifth*—To determine, from time to time, how many and what class of teachers may be employed in each of the public schools, and employ such teachers and fix their compensation.

*Sixth*—To take charge of the school houses, furniture, grounds, and other property belonging to the school districts, and see that the same are kept in good condition, and not suffered to be unnecessarily injured or deteriorated.

*Seventh*—To provide fuel, and such other necessities for the schools as, in their opinion, may be required in the school houses, or other property belonging to the said districts.

*Eighth*—To inquire into the progress of scholars and the government of the schools.

*Ninth*—To prescribe the method and course of discipline

and instruction in the respective schools, and to see that they are maintained and pursued in the proper manner.

*Tenth*—To prescribe what studies shall be taught, and what books and apparatus shall be used.

*Eleventh*—To report to the city council, from time to time, any suggestions they may deem expedient or requisite in relation to the schools and the school fund, or the management thereof, and generally to recommend the establishment of new schools and districts.

*Twelfth*—To prepare and publish an annual report, which shall include the receipts and expenditures of each school, specifying the source of such receipts and the object of such expenditures.

*Thirteenth*—To communicate to the city council, from time to time, such information within their possession as may be required.

**687. Powers Exercised only at Regular or Special Meetings.]** § 24. None of the powers herein conferred upon the board of education of such cities shall be exercised by them except at a regular meeting of such board.

**688. Title in Realty Vests in Council in Trust.]** § 25. All conveyances of real estate shall be made to the city in trust, for the use of schools, and no sale of real estate or interest thereon, used for school purposes, or held in trust for schools, shall be made except by the city council, upon the written request of such board of education.

**639. Money a Special Fund, subject to Order of Board.]** § 26. All moneys raised by taxation for school purposes, or received from the state common school fund, or from any other source, for school purposes, shall be held by the city treasurer as a special fund for school purposes, subject to the order of the board of education, upon warrants to be countersigned by the mayor and city clerk.

**690. Expenditures Confined to Specified Receipts and Appropriations.]** § 27. Said board of education shall not

add to the expenditures for school purposes anything over and above the amount that shall be received from the state common school fund, the rental of school lands or property, and the amount annually appropriated for such purposes. If said board shall so add to such expenditure the city shall not, in any case, be liable therefor. And nothing herein contained shall be construed so as to authorize any such board of education to levy or collect any tax upon the demand, or under the direction of such board of education.

**691. Board Exclusively Governs Schools.] § 28.** All schools in such cities shall be governed as hereinbefore stated, and no power given to the board of education shall be exercised by the city council of such city.

## ARTICLE XV.

### LIABILITY OF SCHOOL OFFICERS.

**692. School Officer Converting Funds—Penalty.] § 6.** If any county superintendent, trustee of schools, township treasurer, director or any other person entrusted with the care, control, management or disposition of any school, college, seminary or township fund for the use of any county, township, district or school, shall convert such fund or any part thereof to his own use, he shall be liable to indictment, and upon conviction thereof, shall be fined in any sum not less than double the amount of money converted to his own use, and imprisoned in the county jail not less than one nor more than twelve months, at the discretion of the court.

**693. No Appropriation for Sectarian Institution or Purpose.] § 12.** No county, city, town, township, school district or other public corporation shall ever make any appropriation, or pay from any school fund whatever, anything in aid of any church or sectarian purpose, or to help support or sustain any school, academy, seminary, college, university or other literary or scientific institution controlled by any



church or sectarian denomination whatever; nor shall any grant or donation of money, or other personal property, ever be made by any such corporation to any church or for any sectarian purpose; and any officer or other person having under his charge or direction school funds or property, who shall pervert the same in the manner forbidden in this section, shall be liable to indictment, and upon conviction thereof, shall be fined in a sum not less than double the value of the property so perverted, and imprisoned in the county jail not less than one (1) nor more than twelve (12) months, at the discretion of the court.

**694. Not to be Interested in Sale of Books, Etc.—Penalty.]** § 13. No teacher, state, county, township or district school officer shall be interested in the sale, proceeds or profits of any book, apparatus or furniture used, or to be used, in any school in this state, with which such officer or teacher may be connected; and for offending against the provisions of this section such teacher, state, county, township or district school officer shall be liable to indictment, and upon conviction shall be fined in a sum not less than twenty-five (\$25) dollars, nor more than five hundred (\$500) dollars, and may be imprisoned in the county jail not less than one (1) month, nor more than twelve (12) months, at the discretion of the court.

**695. No Exclusion for Color.]** § 14. Any school officer or officers, or any other person, who shall exclude or aid in the exclusion from the public schools of any child who is entitled to the benefits of such school, on account of such child's color, shall be fined, upon conviction, in any sum not less than five (\$5) dollars, nor more than one hundred (\$100) dollars each, for every such offense.

## ARTICLE XVI.

### MISCELLANEOUS.

**696. Statute, how to be Construed.]** § 7. This act

shall not be construed as to repeal or change, in any respect, any special acts in relation to schools in cities having less than one hundred thousand inhabitants, or incorporated towns, townships or districts, except that it shall be the duty of the several boards of education, or other officers of any city or incorporated town, township or district, having in charge schools under the provisions of any of said special acts, or of any ordinance of any city or incorporated town, on or before the fifteenth day of July preceding each regular session of the general assembly of this State, or annually, if required so to do by the State Superintendent of Public Instruction, to make out and render a statement of all such statistics and other information in regard to schools and the enumeration of persons, as is required to be communicated by township boards of trustees or directors, under the provisions of this act, or so much thereof as may be applicable to said city or incorporated town, to the county superintendent of the county where such city or incorporated town is situated, or of the county in which the larger part of such city or incorporated town is situated; nor shall it be lawful for the county superintendent, or any other officer or person, to pay over any portion of the common school fund to any local treasurer, school agent, clerk, board of education, or other officer or person, of any township, city or incorporated town, unless a report of the number of persons, and other statistics relative to schools, and a statement of such other information as is required by the board of trustees or directors, as aforesaid, and of other school officers and teachers, under the provisions of this acts, shall have been filed at the time or times aforesaid, specified in this section, with the superintendent of the proper county, as aforesaid.

**697. Judgment Enforced Against Trustees and Directors.]** § 9. If judgment shall be obtained against any township board of trustees or school directors, the party entitled to the benefit of such judgment may have execution therefor, as follows, to-wit: It shall be lawful for the court

in which such judgment shall be obtained, or to which such judgment may be removed by transcript or appeal from a justice of the peace, or other court, to issue thence a writ, commanding the directors, trustees and treasurer of such township, to cause the amount thereof, with interest and costs, to be paid to the party entitled to the benefit of such judgment, out of any moneys unappropriated of said township or district, or if there be no such moneys, out of the first moneys applicable to the payment of the kind of services or indebtedness for which such judgment shall be obtained, which shall be received for the use of such township or district, and to enforce obedience to such writ by attachment, or by mandamus, requiring such board to levy a tax for the payment of such judgment; and all legal processes, as well as writs to enforce payment, shall be served either on the president or clerk of the board.

**698. No Compensation—Exempt From Road Labor and Military Service.]** § 10. Trustees of schools, school directors, members of boards of education, or other school officers performing like duties, shall receive no pecuniary compensation, but they shall be exempt from road labor and from military duty during their term of office.

**699. Term of Present Officers.]** § 11. All school officers elected in pursuance of any general law now in force shall hold their respective offices until their successors are elected and qualified under the provisions of this act.

### SCHOOL DIRECTORS.

AN ACT to provide for the appointment of School Directors and members of the Board of Education in certain cases. Approved May 29, 1879. In force July 1, 1879. As amended by act approved May 31, 1881. In force July 1, 1881.

**700. School Directors.]** § 1. That in all cases whereby the provisions of any general or special law of this state heretofore passed, the members of the common council of any city

have been made ex-officio school directors, or members of the board of education in and for the school district of which the said city shall constitute the whole or a part, the said school directors or members of the board of education shall hereafter be appointed as hereinafter provided.

**701. School Directors—How Appointed.] § 2.** It shall be the duty of the mayor of such city, at the first regular meeting of the city council, in the month of June, 1881, to nominate and place before the council for confirmation, as school directors or members of the board of education, as the case may be, two (2) persons from each ward of said city, one (1) from each ward to serve for two (2) years, and one (1) for one (1) year, and annually thereafter he shall nominate one (1) from each ward to serve for two (2) years, and if the person so appointed shall be confirmed by a majority vote of the city council, to be entered of record, the persons so appointed shall constitute the board of education or school directors for such school district. Should the council fail to confirm any person or persons nominated by the mayor at such meeting, he may, at the next or any subsequent meeting, nominate other persons for confirmation, as hereinbefore provided; and should a vacancy or vacancies occur in any board of education or school directors, the mayor may, at any regular meeting of the city council, fill such vacancy or vacancies in the manner above set forth. [As amended by act approved and in force May 30, 1881.

**702. Organization of Board—Powers—Duties.] § 3.** The said persons shall as soon as practicable after their appointment, organize by electing one of their number president, and another secretary, who shall hold their respective offices for one year. All rights, powers and duties heretofore exercised by and devolved upon the members of the city council as ex-officio members of the board of education or school directors, shall devolve upon and be exercised by the mem-

bers of the board of education and school directors, appointed under the provisions of this act.

**703. Certificate of Tax—Limitation.]** § 4. In all school districts to which this act shall apply, the boards of education or school directors shall annually, before the first day of August, certify to the city council under the hands and seals of the president, and secretary, of the board, the amount of money required to be raised by taxation for school purposes in said district for the ensuing year, and the said city council shall thereupon cause the said amount to be levied and collected in the same manner now provided by law for the levy and collection of taxes for school purposes in such district, but the amount to be so levied and collected shall not exceed the amount now allowed to be collected for school purposes by the general school laws of this state; and when such taxes have been collected and paid over to the treasurer of such city or school district, as may be provided by the terms of the act under which such district has been organized, such funds shall be paid out only on the order of the board of education or school directors, signed by the president and secretary of such board.

AN ACT enabling school districts, acting under special charters, to hold elections for the election of school directors and members of boards of education, at the time provided for the election of school directors under the school laws of this state. [Approved June 29, 1885. In force July 1, 1885.]

**704. Election for School Directors, Etc.]** § 1. That in all cases where the time for the election of members of boards of directors and boards of education is fixed by virtue of any special charter, such election may be held at the time now provided, or which may hereafter be provided for the election of school directors under the school laws of this state, and that such election may be held at such place in the school district as may be designated by the board of directors or board of education of such school district, and such boards of directors



or boards of education, when elected, shall meet and organize at the time and in the manner now provided, or which may hereafter be provided under the school laws of this state. [As amended by act approved and in force March 25, 1887.]

## COMPULSORY EDUCATION.

AN ACT concerning the education of children. Approved May 24, 1889. In force July 1, 1889.

**705. Compulsory Attendance—Penalty.] § 1.** That every person having under his control a child between the ages of seven and fourteen years shall annually cause such child to attend for at least sixteen weeks, at least eight weeks of which attendance shall be consecutive, some public day school in the city, town or district in which he resides, which time shall commence with the beginning of the first term of the school year, or as soon thereafter as due notice shall be served upon the person having such control, of his duty under this act. For every neglect of such duty the person offending shall forfeit to the use of the public schools of such city or district, a sum not less than one nor more than twenty dollars, and shall stand committed until such fine and costs of suit are paid. But if the person so neglecting, shall show to the satisfaction of the board of education or of directors, that such child has attended for a like period of time, a private day school approved by the board of education or directors of the city, town or district in which such child resides; or that instruction has otherwise been given for a like period of time to such child, in the branches commonly taught in the public school; or that such child has already acquired the branches of learning taught in the public schools; or that his physical or mental condition, as declared by a competent physician, is such as to render such attendance inexpedient and impracticable, then such penalty shall not be incurred. Such fine shall be paid, when collected, to the school treasurer of such city or town—

ship, to be accounted for by him as other school money raised for school purposes. But no school shall be regarded as a school under this act unless there shall be taught therein in the English language reading, writing, arithmetic, history of the United States and geography.

**706. Truant Officers—Duties—Compensation.] § 2.** It shall be the duty of the board of education in every city, and the board of school directors in every school district, to appoint one or more truant officers, whose duty it shall be carefully to enquire concerning all supposed violations of this act, and to enter complaint against all persons who shall appear to be guilty of such violation. It shall also be the duty of said officer to arrest children of a school-going age who habitually haunt public places, and have no lawful occupation and also truant children who absent themselves from school without leave, and to place them in charge of the teacher having charge of the public school which the said children are by law entitled to attend. And it shall be the duty of said teacher to assign said children to the proper classes, and to instruct them in such studies as they are fitted to pursue. Said truant officers shall have such compensation for services rendered under this act as shall be determined by the board of education or the board of directors appointing such officer, which compensation shall be paid from the distributable school fund.

**707. Evasion of Act—Penalty.] § 3.** Any person having control of a child, who with intent to evade the provisions of this act, shall make a willful false statement concerning the age of such child, or the time such child has attended school, shall, for such offense forfeit a sum of not less than three dollars nor more than twenty dollars for the use of the public schools of such city or district.

**708. Prosecutions.] § 4.** Prosecutions under this act shall be instituted and carried on by the authorities of such boards, and be brought in the name of the people of the State

of Illinois for the use of the school fund of said city or township.

**709. Jurisdiction of the Offenses.]** § 5. Police, municipal courts, justices of the peace, and judges of the county court shall have jurisdiction within their respective counties of the offenses described in this act.

**710. Repeal.]** § 6. "An act to secure to all children the benefit of an elementary education," approved June 23, 1883, in force July 1, 1883, is hereby repealed.

AN ACT to authorize cities and villages to convey real estate held by them for school or academy purposes to the proper school officers.  
[Approved June 27, 1885. In force July 1, 1885.]

**711. How City May Convey Realty Held For School Purposes.]** § 1. That any city or village, incorporated under any general or special law of this State, which shall hold any real or personal estate which shall have been conveyed to such city or village, by virtue of any general or special law of this State, or otherwise, for school or academy purposes, is hereby authorized and empowered, by ordinance or resolution of the city council of any such city, and of the president and board of trustees of any such village, to cause such real or personal estate to be conveyed and transferred to the proper school officers, authorized to hold the same, for the use of the district in which such real or personal estate shall be situated, by proper deed or deeds of conveyance, executed by the proper officers of such city or village, under the common seal thereof.

**712. When Real Estate Ceases to be Used for School Purposes.]** § 2. That if any real estate conveyed by virtue of this act, shall, at any time, cease to be used for school purposes for a period of three years, then it shall be the duty of the school officers, holding the title to such real estate, to convey the same back to said city or village to be by it there-

afterwards held, enjoyed and disposed of as other corporate property, which condition shall be inserted in any deed made by any such city or village by virtue of this act. Said conveyance, in case of the non-use of such real estate for the period aforesaid, may be compelled and enforced by any taxpayer of said city or village by proper proceedings to be instituted by him for that purpose.

**713. Trustees Under Special Charter—Rights of.] §**

3. That in all cases where any such real or personal estate shall have been under the control of any trustees, appointed or elected by virtue of any general or special law of this State, that whenever such estate shall be conveyed as aforesaid, that the duties of such trustees, in relation thereto shall cease and determine, and it shall be their duty to immediately settle and adjust all matters relating to such trust or estate and make report to the proper authority of their acts and doings, upon the approval of which said trustees will be released and discharged from the further performance of duty in that behalf. All moneys which may remain in the treasury of such city or village, to the credit of any fund connected with the use of such real or personal estate, while so held by such city or village, shall be used by such city or village for any lawful corporate purpose.

**714. Repeal.] § 4.** That all acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

AN ACT to permit towns, cities and villages incorporated by special charter to convey real estate for school purposes. [Approved May 21, 1887. In force July 1, 1887.]

**715. How City May Convey Realty for School Purposes.] § 1.** That any town, city or village incorporated by a special charter granted by the General Assembly of the State of Illinois, holding title to or having an interest in any real estate, may, by proper deed of conveyance, executed by the corporate authorities of said town, city or village, when

authorized by ordinance, sell and convey the same to the trustees of schools of the township in which such real estate is situated, to be used as a school site for the school district in which such real estate is situated.

### 33. STREETS.

Section.	Section.
716. Sidewalks by Taxation.	728. Pleasure Driveways--How Established
717. What Ordinance May Provide.	729. May be Laid Out Under Article 9.
718. In Case Owner Neglects to Construct.	730. Power of Corporate Authorities to Regulate, Etc.
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720. General Officer to Obtain Judgment--By What Laws Governed.	732. Taxes--Special Assessments, Etc.
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727. Street or Alley Closed.	

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#### SIDEWALKS.

AN ACT to provide additional means for the construction of sidewalks in cities, towns and villages. [Approved April 5, 1875. In force July 1, 1875.]

**716. Sidewalks by Taxation.] § 1.** That in addition to the mode now authorized by law, any city or incorporated town or village may, by ordinance, provide for the construction of sidewalks therein, or along or upon any street or part of street therein, and may, by such ordinance, provide for the payment of the whole or any part of the cost thereof by special taxation of the lot, lots or parcels of land touching upon the line where any such sidewalk shall be ordered, and such special taxation may be either by a levy upon any lot of the whole, or any part of the cost of making any such sidewalk in front of such lot or parcel of land, or by levying the whole or any part of the cost upon each of the lots or parcels of land touching upon the line of such sidewalk, *pro rata* upon each



of said lots or parcels, according to their respective values—the values to be determined by the last preceding assessment thereof for the purpose of state and county taxation; or the whole or any part of the cost thereof may be levied upon such lots or parcels of land in proportion to their frontage upon such sidewalks, or in proportion to their superficial area, as may be provided by ordinance ordering the laying down of such sidewalk; and in case such ordinance shall only require the payment of a part of the cost of such sidewalk to be paid by a special tax as aforesaid, then the residue of such cost shall be paid out of any fund of such city, town, or village, raised by general taxation upon the property thereof, and not otherwise appropriated.

**717. What Ordinance May Provide.]** § 2. Said ordinance shall define the location of such proposed sidewalk with reasonable certainty, shall prescribe its width, the materials of which it shall be constructed, and the manner of its construction, and may provide that the materials and construction shall be under the supervision of, and subject to, the approval of some officer or board of officers of such city, town or village, to be designated in said ordinance. Said ordinance shall be published as required by law for other ordinances of said city, town or village, and may require all owners of lots or parcels of land touching the line of said proposed sidewalk to construct a sidewalk in front of their respective lots or parcels in accordance with the specifications of said ordinance, within thirty days after such publication, and in default thereof, said materials to be furnished and sidewalk constructed' by said city, town or village, and the cost, or such part thereof as may be fixed in said ordinance, may be collected from the respective owners of said lots or parcels of land as hereinafter provided.

**781. In Case Owner Neglects to Construct.]** § 3. In case of the default of any lot owner or owners to construct the

sidewalks, as required by ordinance, and the same shall be constructed by the city, town or village, the cost thereof, or such part of the cost thereof as may have been fixed by said ordinance, may be recovered of the owners so in default by an action of debt in the name of the city, town, or village, against such owners respectively, in any court of competent jurisdiction, or upon the completion of the work by such city, town, or village. Such ordinance may provide that a bill of the cost of such sidewalk, showing in separate items the cost of grading, materials, laying down, and supervision, shall be filed in the office of the clerk of said city, town or village, certified to by the officer or board designated by said ordinance to take charge of the construction of said sidewalk, together with a list of the lots or parcels of land touching upon the line of said sidewalk, the names of the owners thereof, and the frontage, superficial area, or assessed value as aforesaid, according as said ordinance may provide for the levy of said cost by frontage, superficial area, or assessed value; whereupon said clerk shall proceed to prepare a special tax list against said lots or parcels, and the owners thereof, ascertaining by computation the amount of special tax to be charged against each of said lots or parcels and the owners thereof, on account of the construction of said sidewalk, according to the rule fixed for the levy of such special tax by said ordinance, which special tax list shall be filed in the office of said clerk; and said clerk shall thereupon issue warrants directed to such officer as may be designated in such ordinance, for the collection of the amount of special tax so ascertained and appearing from said special tax list to be due from the respective owners of the lots or parcels of land touching upon the line of said sidewalk; and such officer shall proceed to collect such warrants in the same manner as constables are authorized to collect executions, and make return thereof, together with the moneys collected, to the clerk of such city, town, or village, within sixty days from the date of their issue; and in case any

such warrant shall be returned, as to the whole or any part thereof, "no property found," other warrants may issue, and proceedings by garnishment may be resorted to, as in cases of garnishment in aid of the collection of judgments at law, and all moneys so collected and paid over to said clerk shall be, by him, immediately paid over to the treasurer of said city, town or village.

**719. Special Tax—Duty of Clerk—Report.]** § 4. Upon failure to collect such special tax as heretofore provided in this act, it shall be the duty of said clerk, within such time as such ordinance may provide, to make report of all such special tax, in writing, to such general officer of the county as may be authorized by law to apply for judgment against, and sell lands for taxes due county or state, of all the lots or parcels of land upon which such special tax shall be so unpaid, with the names of the respective owners thereof, so far as the same are known to said clerk, and the amount due and unpaid upon each tract, together with a copy of the ordinance ordering the construction of said sidewalk, which report shall be accompanied by the oath of the clerk that the list is a correct return of the lots and parcels of land on which the special tax levied by authority of said city, town or village, for the cost or partial cost (as the case may be) of the sidewalk in said ordinance specified, remains due and unpaid, and that the amounts therein stated as due and unpaid have not been collected, nor any part thereof. Said reports, when so made, shall be *prima facie* evidence that all the forms and requirements of the law in relation to making such return have been complied with, and that the special tax, as mentioned in said report, is due and unpaid.

**720. General Officer to Obtain Judgment—By What Laws Governed.]** § 5. When said general officer shall receive the aforesaid report, he shall at once proceed to obtain judgment against said lots or parcels of land for said special

tax remaining due and unpaid, in the same manner as may be provided by law for obtaining judgment against lands for taxes due and unpaid to the county and state, and shall in the same manner proceed to sell the same for the said special tax due and unpaid. In obtaining said judgment and making said sale, the said officer shall be governed by the general revenue laws of the state, except when otherwise provided herein, and said general laws shall also be applicable to the execution of certificates of sale, and deeds thereon, and the force and effect of such sales and deeds; and all other laws in relation to the enforcement and collection of taxes, and redemption from tax sales, shall be applicable to proceedings to collect such special tax, except as herein otherwise provided.

**721. When Constructed by Owner May Obtain Order.]**

§ 6. Whenever payment of the costs of any such sidewalk is required to be made in part by special tax, and in part out of any general fund of such city, town, or village, and the owner of any such lot or parcel of land shall construct such sidewalk in accordance with the ordinance providing for its construction, such owner shall file with the clerk of such city, town, or village, an itemized statement of the cost of such sidewalk so constructed, by him verified by affidavit, together with a certificate of the officer or board directed by such ordinance to superintend the construction thereof, that such sidewalk has been constructed and fully completed by such owner in accordance with such ordinance, and the council of such city, town, or village shall thereupon, at its first meeting thereafter, allow and order to be issued to such owner, an order on the treasurer of such city, town, or village, for the cost of the construction of such sidewalk, less the amount of special tax chargeable to the lot or parcel of land of such owner on the line of which such sidewalk has been so constructed.

## VACATION OF STREETS.

AN ACT to revise the law in relation to the vacation of streets and alleys. [Approved March 24, 1874. In force July 1, 1874.]

**722. Three-fourths Vote Required—Damages.] § 1.** That no city council of any city, or board of trustees of any village or town, whether incorporated by special act or under any general law shall have power to vacate or close any street or alley, or any portion of the same, except upon a three-fourths majority of all the aldermen of the city, or trustees of the village or town, authorized by law to be elected; such vote to be taken by ayes and noes, and entered on the records of the council or board. And when property is damaged by the vacation or closing of any street or alley, the same shall be ascertained and paid as provided by law.

**723. Rights of Adjoining Owners.] § 2.** When any street, alley, lane or highway, or any part thereof, has been or shall be vacated under or by virtue of any act of this state or by order of the city council of any city, or trustees of any village or town, or by the commissioners of highways, county board, or other authority authorized to vacate the same, the lot or tract of land immediately adjoining on either side shall extend to the central line of such street, alley, lane or highway or part thereof so vacated, unless otherwise specially provided in the act, ordinance or order vacating the same, unless, in consequence of more of the land for such streets alley, lane or highway having been contributed from the land on one side thereof than the other, such division is inequitable, in which case the street, alley, lane or highway so vacated shall be divided according to the equities of the adjoining owners.

AN ACT to cede jurisdiction to the United States over certain land and for the purchase and condemnation thereof. [Approved and in force December 14 1871.]

**724. United States may Purchase and Condemn Lands.] § 1.** That the United States shall have power to purchase or condemn, in the manner prescribed by law, upon



making just compensation therefor, any land in the state of Illinois required for custom houses, arsenals, light houses, national cemeteries, or for other purposes of the government of the United States.

**725. Jurisdiction—Exempt from Taxes.]** § 2. The United States may enter upon and occupy any land which may have been or may be purchased or condemned, or otherwise acquired, and shall have the right of exclusive legislation and concurrent jurisdiction, together with the state of Illinois, over such land and structures thereon, and shall hold the same, exempt from all state, county and municipal taxation.

**726. Emergency.]** § 3. Whereas, by the burning of the United States postoffice, custom house, and United States court rooms, in the city of Chicago, an emergency exists, requiring this act to take effect immediately: therefore this act shall take effect from and after its passage.

**727. Street or Alley Closed.]** § 4. That in case there shall be any street or alley running through any block or tract of land so purchased or acquired by the said United States for any of the purposes described in the said act hereinbefore set forth, all that portion of such street or alley within such block or tract or land, shall, upon the purchase of the same by the United States, or the transfer of the same to the United States by condemnation or otherwise, for any of the purposes aforesaid, be and the same is hereby vacated and closed, and the lots or tracts of land abutting upon any such street or alley shall extend to the center line thereof, and vest in the said United States, and become the property thereof, with full right, power and authority to use, occupy and enjoy the same as its own property in fee, to the same extent as though the same had never been used or occupied as a street or alley; and the said act, to which this is an amendment, shall apply to the said portion of such street or alley so vacated to the same extent as to the block or tract of land so purchased or to be purchased or condemned for any of the purposes afore-

said. [This section was added by amendment approved March 7, 1872. In force July 1, 1872.]

### PLEASURE DRIVEWAYS.

AN ACT to provide for pleasure driveways in incorporated cities, villages, and towns. [Approved and in force March 27, 1889.]

**728. Pleasure Driveways—How Established.] § 1.** That the city council in cities, the president and the board of trustees in villages, or the board of trustees in incorporated towns, whether incorporated under the general law, or special charter, shall have the power to designate by ordinance the whole or any part of not to exceed two streets, roads, avenues, boulevards or highways, under their jurisdiction, as a public driveway, to be used for pleasure driving only, and to improve and maintain the same, and also to lay out, establish, open, alter, widen, extend, grade, pave or otherwise improve and maintain not more than two roads, streets or avenues, and designate the same as pleasure driveways, to be used for pleasure driving only: *Provided*, said powers shall only be exercised when said corporate authorities are petitioned thereto by the owners of more than two-thirds ( $\frac{2}{3}$ ) of the frontage of land fronting upon said proposed pleasure driveway.

**729. May be laid out under Article 9.] § 2.** Said pleasure driveways may be laid out, extended and improved under the provisions of article 9 of an act to provide for the incorporation of cities and villages, approved April 10, 1872, in force July 1, 1872, and any and all amendments thereto.

**730. Power of Corporate Authorities to Regulate, Etc.] § 3.** Said corporate authorities may, by ordinance, regulate, restrain and control the speed of travel upon said pleasure drives, and prescribe the kind of vehicles that shall be allowed upon the same, and in all things may regulate, restrain and control the use of said pleasure driveways by the public or individuals, and may exclude therefrom funeral processions, hearses and traffic teams and vehicles, so as to free the same

from any and all business traffic or objectionable travel, and make the same a pleasure driveway for pleasure driving only, and may prescribe in such ordinances such fines or penalties for the violation thereof as they are allowed by law to prescribe for the violation of other ordinances.

AN ACT to enable park commissioners or corporate authorities to take, regulate, control and improve public streets leading to public parks; to pay for the improvement thereof, and in that behalf to make and collect a special assessment, or special tax on contiguous property. [Approved and in force April 9, 1879.]

**731. Drives to Public Parks.]** § 1. That every board of park commissioners shall have power to connect any public park, boulevard or driveway under its control, with any part of any incorporated city, town or village, by selecting and taking any connecting street or streets or part thereof, leading to such park; and shall also have power to accept and add to any such park, any street or part thereof which adjoins and runs parallel with any boundry line of the same: *Provided*, that the streets so selected and taken, so far as taken, shall lie within the district or territory, the property of which shall be taxable for the maintenance of such parks. *And, provided further*, that the consent of the corporate authorities having control of any such street or streets so far as selected and taken, and also the consent in writing of the owners of a majority of the frontage of the lots and lands abutting on such street or streets so far as taken, shall be first obtained. [As amended by act approved June 27, 1885. In force July 1, 1885.]

**732. Taxes—Special Assessments, Etc.]** § 2. That such park commissioners, or such corporate authorities as are by law authorized to levy taxes or assessments for the maintenance of such parks, shall have power to improve, maintain and repair such street or streets in such manner as they may deem best, and for that purpose they are hereby authorized to pay for the improvement thereof, and from time to time to

levy or cause to be levied and collected a special tax or assessment on contiguous property abutting upon such street so improved for a sum of money not exceeding the estimated cost of such first improvement or improvements, as shall be ordered and estimated by such board of park commissioners, but not for any subsequent care, maintenance or repair thereof; and to that end such board or corporate authorities shall have all the power and authority now or hereafter granted to them respectively, relative to the levy, assessment and collection of taxes, or assessment for corporate purposes; and such special tax or assessments as are hereby authorized may be divided into not exceeding four annual installments, bearing interest at the rate of six per cent. per annum from the date of confirmation until paid; and the assessment or installments thereof shall be collected and enforced in the same manner as is provided by law for the collection and enforcement of other taxes or assessments for, or on account of such corporate bodies or boards, as aforesaid, so far as the same are applicable. [As amended by act approved June 16, 1887. In force July 1, 1887.]

**733. Control by Park Commissioners.] § 3.** Such park boards shall have the same power and control over the parts of streets taken under this act, as are or may be by law vested in them of and concerning the parks, boulevards or driveways under their control.

**734 Reversion to Corporate Authorities—When.] § 4.** In case any such streets or parts thereof, shall pass from the control of any such park board, the power and authority over the same, granted or authorized by this act shall revert to the proper corporate authorities of such city, town or village, respectively as aforesaid.

**735. City May Grant Control to Park Commissioners.] § 5.** Any city, town or village in this state, shall have full power and authority to invest any of such park boards with

the right to control, improve and maintain any of the streets of such city, town or village, for the purpose of carrying out the provisions of this act.

### USE BY ELEVATED RAILROADS.

AN ACT in regard to the use of streets and alleys in incorporated cities and villages by elevated railroads and elevated ways and conveyors. [Approved June 18, 1883. In force July 1, 1883.]

**736. Petition of Land Owners.] § 1.** That no person or persons, corporation or corporations, shall construct or maintain any elevated railroad or any elevated way or conveyor to be operated by steam power, or animal power or any other motive power, along any street or alley in any incorporated city or village, except by the permission of the city council or board of trustees of such city or village, granted upon a petition of the owners of the lands representing more than one-half of the frontage of the street or alley, or of so much thereof as is sought to be used for such elevated railroad or elevated way or conveyor; and the city council, or board of trustees shall have no power to grant permission to use any street or alley, or part thereof, for any of the purposes aforesaid, except upon such petition of land-owners as is herein provided for.

**737. When Street More Than One Mile.] § 2.** When the street or alley, or part thereof, sought to be used for any of the purposes aforesaid, shall be more than one mile in extent, no petition of land owners shall be valid for the purposes of this act, unless the same shall be signed by the owners of the land representing more than one-half of the frontage of each mile and fractional part of a mile, of such street or alley or of the part thereof sought to be used for any of the purposes aforesaid.

**738. Repeal.] § 3.** All acts and parts of acts inconsistent herewith are hereby repealed.



## 34. TELEGRAPH AND TELEPHONE COMPANIES.

## Section.

739. Eminent domain.

740. Consent necessary to erect poles, etc., on streets, etc.—Record—Alteration.

## Section.

741. Poles in streets.

742. Attached to building—no prescriptive right.

AN ACT to revise the law in relation to telegraph companies. [Approved March 24, 1874. In force July 1, 1874.]

**739. Eminent Domain.] § 2.** Every such company may enter upon any lands for the purpose of making surveys and examinations with a view to the erection of any telegraph line, and take and damage private property for the erection and maintenance of such lines, and may, subject to the provisions contained in this act, construct lines of telegraph along and upon any railroad, road, highway, street or alley, along or across any of the waters or lands within this state, and may erect poles, posts, piers or abutments for supporting the insulators, wires and other necessary fixtures of their lines, in such manner and at such points as not to incommode the public use of the railroad, highway, street or alley, or interrupt the navigation of such waters.

**740. Consent Necessary to Erect Poles, Etc., on Roads, Streets, Etc.—Record—Alteration.] § 4.** No such company shall have the right to erect any poles, posts, piers, abutments, wires or other fixtures of their lines along or upon any road, highway, or public ground, outside the corporate limits of a city, town or village, without the consent of the county board of the county in which such road, highway, or public ground is situated, nor upon any street, alley, or other highway or public ground, within any incorporated city, town or village, without the consent of the corporate authorities of such city town or village. The consent herein required must be in writing, and shall be recorded in the recorder's office of the county. And such county board, or the city council, or board of trustees of such city, town or village, as the case may be, shall have power to direct any alteration in the location or erection of

any such poles, posts, piers or abutments, and also in the height of the wires, having first given the company or its agent opportunity to be heard in regard to such alteration.

AN ACT to permit the use of public highways, streets and alleys and private roads leading to such highways, streets and alleys outside of incorporated cities, villages and towns, for the purpose of constructing, operating and maintaining private lines of telegraph or telephone, and to prescribe penalties for the injury or obstruction of such lines. [Approved June 18, 1883. In force July 1, 1883.]

**741. Poles in Streets.** | § 2. For the purpose of constructing and maintaining such lines of telegraph or telephone, the parties in interest may set the necessary poles or posts on which to place the wires and insulators of such lines, in any of the public streets, highways or alleys, or in any private road leading to such highways, streets or alleys outside of the incorporated cities, villages or towns in this state along which such lines may pass: *Provided*, such poles or posts shall be placed along the boundaries of such highways, streets, or alleys, at such distances therefrom as the authorities having control thereof may direct, *And provided further*, that the wires necessary for such lines shall not be less than fifteen feet above the ground along such boundaries, and not less than twenty feet at any public or private crossing, and shall be so placed as not in any manner to interfere with such crossing.

AN ACT relating to telegraph, telephone, electric light and other wires, poles and cables. [Approved June 16, 1887. In force July 1, 1887.]

**742. Attached to Building—No Prescriptive Right.]**  
§ 1. Whenever any wire, pole or cable used for any telegraph, telephone, electric light or other electric purpose, or for the purpose of communication, is or shall be attached to, or does or shall extend upon or over any building or land, no lapse of time whatever shall raise a presumption of any grant of, or justify a prescriptive right to, such attachment or extension.

## 35. TOWNSHIP ORGANIZATION.

Section.		Section	
743	Territory of City Organized as Town.	747.	What Council May Provide.
744.	Town in City.	748.	May Regulate the Number of Justices.
745.	Election of Officers.	749.	Vacancies.
746.	Powers Exercised by Council.		

## TOWNSHIP ORGANIZATION.

AN ACT to authorize county boards in counties under township organization to organize certain territory situated therein as a town.  
[Approved May 23, 1877. In force July 1, 1877.]

**743. Territory of City Organized as Town.] § 1.** That the county board, in any county under township organization, may provide that the territory embraced within any city in such county shall be organized as a town; *provided*, such territory shall have a population of not less than three thousand. *And provided*, the city council in such city shall by resolution request such action by the county board.

**744. Town in City.] § 2.** The territory of any city now organized, within the limits of any county under township organization, and not situated within any town, shall be deemed to be a town.

**745. Election of Officers.] § 3.** All town officers within any town organized as aforesaid shall be elected at the annual charter election of such city. All general elections held in such city and town, shall be held at the same voting places as the city elections, with judges and clerks appointed in like manner as for the city elections.

**746. Powers Exercised by Council.] § 4.** The powers vested in such town shall be exercised by the city council.

**747. What City Council May Provide.] § 5.** The city council in such city and town, may by ordinance, provide that the officers of city and town clerk shall be united in the same person; that the officers of treasurer and town collector shall be united in the same person; that the election of high-

way commissioners shall be discontinued, and that the offices of supervisor and poormaster shall be separated, and the poormaster appointed by the city council. [As amended by act approved June 18, 1883. In force July 1, 1883.]

**748. May Regulate the Number of Justices.] § 6.** The city council in such city and town may from time to time regulate the number of justices of the peace, police magistrates and constables to be elected within such city and town; but the number elected to either of such offices shall not exceed the number allowed by law to other towns of like population.

**749. Vacancies. § 7.** Vacancies in any of the town offices within such city and town may be filled by the city council.

### 36 WATER WORKS.

#### Section.

- 750. Power to supply water-letting contract.
- 751. Borrowed money-tax
- 752. May acquire property for works, etc.
- 753. Rules—tax—assessment—lien.
- 754. Special assessment.
- 755. Separate fund.
- 756. When act not apply.
- 757. Bonds—assessments payable in installments.

#### Section.

- 758. When installments payable—interest.
- 759. Applies to assessments already ordered.
- 760. Power to contract for water.
- 761. Tax.
- 762. Cities—powers and privileges.
- 763. Powers of board—may raise money—vote.
- 764. Water fund and light tax.

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### WATER WORKS.

AN ACT authorizing cities, incorporated towns and villages to construct and maintain water works. [Approved and in force April 15 1873.]

**750. Power to Supply Water—Letting Contract.] § 1.** That all cities, incorporated towns and villages in this state, be and are hereby authorized and shall have power to provide for a supply of water for the purposes of fire protection, and for the use of the inhabitants of such cities, incorporated towns or villages by the erection, construction and

maintaining of a system of water works or by uniting with any adjacent city, incorporated town or village, in the erection, construction and maintaining of a system of water works for the joint use of such cities, incorporated towns or villages, or by procuring such supply of water from any adjacent city, incorporated town or village already having water works. *Provided*, that all contracts for the erection or construction of such works or any part thereof, shall be let to the lowest responsible bidder therefor, upon not less than three (3) weeks public notice of the terms and conditions upon which the contract is to be let having been given by publication in a newspaper published in such city, town or village, or if no newspaper is published therein, then in some newspaper published in the county. *And, provided, further*, that no member of the city council or board of trustees or mayor shall be directly or indirectly interested in any such contract, and in all cases the council or board of trustees, as the case may be, shall have the right to reject any and all bids that may not be satisfactory to them.

WHEREAS, An emergency exists, therefore this act shall be in force from and after its passage. [As amended by act approved and in force May 14, 1879.]

**751. Borrowed Money—Tax.]** § 2. Such cities, incorporated towns and villages may borrow money and levy and collect a general tax in the same manner as other municipal taxes may be levied and collected for the erection, construction and maintaining of such water works, and appropriate money for the same.

**752. May Acquire Property for Works, Etc.]** § 3. For the purpose of erecting, constructing, locating, maintaining or supplying such water works, any such city, incorporated town or village may go beyond its territorial limits, and may take, hold and acquire property and real estate, by purchase or otherwise; and shall also have the power to take,



hold and acquire and condemn any and all necessary property and real estate for the location, erection, construction and maintaining of such water works, in the manner provided for the taking and condemning of private property for public use; and may also acquire and hold real estate and other property and rights necessary for the location, erection, construction and maintenance of such water works, by purchase or otherwise; and the jurisdiction of such city, town or village to prevent or punish any pollution or injury to the stream or source of water for the supply of such water works, shall extend ten miles beyond its corporate limits.

**753. Rules—Tax—Assessments—Lien.]** § 4. The common council of such cities, or trustees of such towns or villages, shall have power to make and enforce all needful rules and regulations in the erection, construction and management of such water works, and for the use of water supplied by the same. And such cities, towns and villages shall have the right and power to tax, assess and collect from the inhabitants thereof such tax, rent or rates for the use and benefit of water used or supplied to them by such water works, as the common council or board of trustees, as the case may be, shall deem just and expedient. And all such water taxes, rates or rents shall be a lien upon the premises and real estate upon or for which the same is used or supplied. And such taxes, rents or rates shall be paid and collected, and such lien enforced, in such manner as the common council shall, by ordinance, direct and provide.

**754. Special Assessment.]** § 5. The expense of locating, erecting and constructing reservoirs and hydrants for the purpose of fire protection, and the expense of constructing and laying water main pipes, or such part thereof as may be just and lawful, may be assessed upon and collected from the property and real estate specially benefited thereby, if any, in such manner as may be provided for the making of

special assessments for other public improvements in such cities, towns or villages.

**755. Separate Fund.] § 6.** All the income received by such cities, towns or villages from such water works, from the payment and collection of water taxes, rents or rates, shall be kept in a separate fund, and shall first be applied in the payment and discharge of the costs, interest on bonds or money borrowed and used in the erection and construction of such water works and running expenses thereof. And any surplus may be applied in such manner as the common council or board of trustees may direct.

**756. When Act Not Apply.] § 7.** The provisions of this act shall not apply to cities, towns or villages in which water works are now managed or controlled by a board of public works.

AN ACT to provide for the laying of water supply pipe by bonds and special assessment, payable in installments. [Approved and in force March 17, 1874.]

**757. Bonds—Assessments Payable in Installments.] § 1.** That whenever the corporate authorities of any city, town or village shall provide by ordinance, for the laying of water supply pipes, to be paid for by a special assessment to be made under the provisions of article nine of the act of the General Assembly, entitled "An act to provide for the incorporation of cities and villages," approved April 10, A. D. 1872, such corporate authorities may, in their discretion, provide in such ordinance, or by an ordinance to be adopted at any time prior to the issuance of the warrant to the collector for the collection of such assessment, that the amount of the estimated cost of such improvement shall be provided for in the following manner, to-wit: That bonds of the city, town or village, as the case may be, shall be issued for such portion of the estimated cost of such improvement as shall be apportioned to the city, town or village as public benefit, payable at such time or times, within twenty years, as may be provided

by said ordinance, or it may in such ordinance be provided that all or any portion of the amount, so apportioned as public benefits, may be made by general taxation in accordance with the provisions contained in said article nine, and that the portion of said estimated cost which shall be assessed upon property specially benefited, shall be payable in such annual installments, not exceeding ten in number, as may in such ordinance be prescribed: *Provided*, that nothing in this section shall authorize any city, town or village to issue such bonds to an amount, including all existing indebtedness, in excess of the charter, statutory or constitutional limitation of the indebtedness of such city, town or village.

**758. When Installments Payable—Interest.] § 2.** Whenever such corporate authorities shall have provided by ordinance for the making of such improvement in the manner prescribed in Section 1 of this act, the first installment of the amount assessed upon property specially benefited shall be payable immediately upon the issuance, by the clerk of such city, town or village, of his warrant to the collector, and the subsequent installments shall be payable annually thereafter, with interest until paid, at such rate as shall be prescribed in such ordinance, not exceeding ten per cent. per annum.

**759. Applies to Assessments Already Ordered.] § 3.** This act shall apply to assessments already ordered for the purpose set forth in Section 1 of this act, and to the ordinances in relation thereto, as well as to ordinances hereafter to be adopted.

AN ACT to enable cities, incorporated towns and villages to contract for a supply of water for public use, and to levy and to collect a tax to pay for the water so supplied. [Approved April 9, 1872. In force July 1, 1872. This title is as amended by act approved June 26, 1885. In force July 1, 1885.]

**760. Power to Contract for Water.] § 1.** That in all cities, incorporated towns and villages where water works have been, or may hereafter be constructed by any person or

incorporated company, the city, town or village authorities in such cities, incorporated towns and villages may contract with such person or incorporated company for a supply of water for public use for a period not exceeding thirty years. [As amended by act approved June 30, 1885. In force July 1, 1885.]

**761. Tax.] § 2.** Any such city or village so contracting may levy and collect a tax on all taxable property within such city or village, to pay for the water so supplied.

AN ACT to aid cities owning or operating water works to secure an additional or better supply of pure water. [Approved and in force May 27, 1881.]

**762. Cities—Powers and Privileges.] § 1.** That all cities owning or operating water works under any charter granted by act of any general assembly of this state, or under the general incorporation laws of this state, whether by boards of water commissioners or by officers appointed for that purpose, are hereby granted the following powers and privileges, for the purpose of increasing or bettering the source of supply from which such water is obtained.

**763. Powers of Board—May Raise Money—Vote.] § 2.** Whenever, in the judgment of a majority of any board of water commissioners, or if there be no such board, then in the judgment of a majority of the city council of any city owning or operating such water works, it shall be necessary for the public health, or for any other cause, to increase the source of water supply, or to substitute for it such better source as, in their judgment, the interests of such city may demand, such board of water commissioners or city council may, in addition to the powers already conferred upon them by act of any general assembly of this state, construct wells, either by boring or excavation, and protect and equip the same after construction, or may lease water privileges from private parties or corporations owning wells already or hereafter to be constructed, and

may pay for such construction or lease, and for the expenses maintained in operating the same, out of any earnings of such water works under their control which may be in their hands at the time of the taking effect of this act, or which may accrue to them hereafter: *Provided*, that no money shall be expended under the provisions of this act, for the purposes herein specified, until the question of the expenditure of such money for the purposes aforesaid shall have been submitted to a vote of the people of the city in which such water works may be situated, at any election for city officers or special election called for that purpose by the city council of said city, and shall have received a majority of the votes cast at such election: *Provided, further*, that no money shall be expended under the provisions of this act, for the purposes aforesaid, other than the surplus earnings of such water works.

AN ACT in relation to the levy and collection of taxes for sewerage and water works in cities of this state, that may have established a system of sewerage and water works for such city, and to repeal an act therein named, and to authorize the cities, villages and incorporated towns of this state to levy and collect taxes to pay for water and light. [Approved June 21, 1883. In force July 1, 1883.]

**764. Water Fund and Light Tax.]** § 2. The legislative authority of any city which now has, or which may hereafter have established or hired water works, for the supply of water to the inhabitants thereof, shall have power to annually levy and collect a tax upon the taxable real and personal estate of any such city, whether organized under a special charter or the general law, not to exceed one mill on the dollar, for the extension of water mains or pipes therein, and the maintenance of such water-works, or to the creation of a sinking fund to be applied to the establishment of water-works, which tax shall be known as the "Water Fund Tax," and shall be levied and collected in the same manner that other general taxes of any such city are levied and collected: *Provided*, that the board of public works of such city, if any, or the



head of the water department of such city, shall first certify to such legislative authority, the amount that will be necessary for such purposes, and shall further certify that the revenue or income from such water works will be insufficient therefor: *Provided, further*, that two-thirds majority of all the members elect of the legislative authority of such city may levy a tax for such purposes, not to exceed three mills on each dollar of the taxable property of such city: *And, provided, further*, that the legislative authority of each of the cities, villages and incorporated towns in this state, with the concurrence of two-thirds of the members thereof, shall be authorized to levy, and collect annually, upon the taxable property within its limits, in addition to all other taxes now authorized by law, a tax of not exceeding three mills on the dollar of such taxable property to be used exclusively for the purpose of lighting streets, and a further tax of not exceeding two mills on the dollar of such taxable property, to be used exclusively for the purpose of supplying water to such city, village or incorporated town: *Provided, also*, that nothing in this act shall be so construed as to increase the amount of aggregate taxes that may be levied in any one year by any city or village as provided in section one (1), of article VIII of an act entitled "An act to provide for the incorporation of cities and villages," approved April 10, 1872.

# PROVISIONS OF FORMER CHARTER OF THE CITY OF PEORIA.

## Section.

- 765. City of Peoria a Body Politic—Seal—Etc.
- 766. Boundaries--Jurisdiction.
- 767. Board of School Inspectors--Body Politic.
- 768. Who to Compose -- Qualifications--Term--Election--Class.
- 769. Further Election Provisions.
- 770. Voting For--Vacancies--How Filled.
- 771. Organization of Board--Officers Of--May be Removed.
- 772. Secretary--Duties--Compensation.
- 773. Treasurer--Duties--Settlements--Bond Of.
- 774. Meetings--Powers of Board.
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## Section.

- 776. Annual Report--Publication.
- 777. Compensation of Board--Of Treasurer.
- 778. School Funds--How Raised--Limit--To Whom Paid.
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- 780. Schedules--Report to State Superintendent.
- 781. Colored Schools.
- 782. Township Trustees of Schools Abolished.
- 783. May Issue Bonds- Limit--Interest--Where Payable.
- 784. School Taxes --Separate Fund -- To Whom Paid--Surplus.
- 785. How New Law May Change This.
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## CHAPTER I.

### CITY BOUNDARIES.

**765. City of Peoria a Body Politic, Seal, Etc.] § 1.** The inhabitants of all the district of country in the county of Peoria and State of Illinois, contained within the limits and boundaries hereafter prescribed, shall be a body politic and corporate, under the name and style of the "City of Peoria," and by that name sue and be sued, complain and defend in any court; make and use a common seal, and alter it at pleasure; and take and hold, purchase, lease and convey, such real and personal or mixed estate as the purposes of the corporation may require, within or without the limits as aforesaid.

**766. Boundaries—Jurisdiction.] § 2.** The corporate limits and jurisdiction of the City of Peoria shall embrace and include within the same all of fractional section two (2); all of

fractional section three (3); the south half of section four (4); the northeast quarter of section four (4); the southeast quarter of section five (5); the south half of the southwest quarter of section five (5); all of section eight (8); fractional section nine (9); fractional section ten (10); fractional section sixteen (16); fractional section seventeen (17);—all in township eight (8) north, range eight (8) east of the fourth principal meridian, and to the middle of Lake Peoria and Illinois River as lies in front of the territory aforesaid.

## CHAPTER XIII.

### PUBLIC SCHOOLS—BOARD OF SCHOOL INSPECTORS.

#### **767. Board of School Inspectors—A Body Politic.]**

§ 1. There is hereby created a body politic and corporate, by the name and style of the “Board of School Inspectors of the City of Peoria,” who shall have perpetual existence, and by said name shall sue and be sued, plead and be impleaded, in all courts and places where judicial proceedings are had, and may purchase, receive and hold real, personal and mixed estate, and may sell, lease and dispose of the same.

**768. Who Compose—Qualifications—Term—Election—Class.]** § 2. The said board of school inspectors shall consist of the mayor of the city of Peoria, and two members from each ward (the election districts in the township of Peoria to be deemed, for school purposes, portions of the wards at which the voting for said districts is now or may hereafter be done), who shall be residents of their respective wards, and who shall hold their offices respectively for two years, or until the election and qualification of their successors. They shall be divided into two classes, so that one half shall be elected annually. The first class shall be elected on the first Tuesday after the first Monday of November, 1869, and every two years thereafter. The second class shall be elected

on the first Tuesday after the first Monday of November, 1870, and every two years thereafter. The members of the board of school inspectors now in office shall hold over until the first Monday of January following the term for which they were elected, except those who were last elected, who shall go out of office as hereafter provided. All members of the board hereafter to be elected shall enter upon the duties of their office on the first Monday of January following their election, except those three elected in 1870 in the wards casting the lowest number of votes, who shall not enter upon the duties of their office until the first Monday in June, A. D. 1871.

**769. Further Election Provisions—Quorum.] § 3.**

All following elections for school inspectors shall be held on the first Tuesday after the first Monday of November, each successive year, and shall be notified and called, and the poll-books opened and kept, the votes canvassed and the returns made, only with and as a part of the election for city officers of said city and county and state elections, and the same registry list shall be used as in the municipal and state and county elections. The persons receiving the highest number of votes for said officers at said elections shall be declared elected; and the city clerk, immediately upon the election and canvassing of the votes, shall notify the several persons so elected of their election, and a majority of the board shall constitute a quorum.

**770. Voting For—Vacancies—How Filled.] § 4.**

The legal voters of the town of Peoria shall be entitled to vote at all elections for said inspectors, held in pursuance of this chapter, and the votes of the legal voters residing out of the city of Peoria, but within the town of Peoria, shall be received at the places of voting in said city of Peoria as at present provided. And all vacancies occurring in said board by death, removal from the wards, or otherwise, shall be filled by the

legal voters aforesaid; and if the annual election, provided for as aforesaid, shall not be notified and held at the time specified in this chapter, it shall be, by the proper officer or officers, notified, called, held, canvassed and returned, at some other time thereafter, and the persons so elected shall hold their respective offices for the term which they would have held if they had been elected at the regular election held at the usual time for that year.

**771. Organization of Board—Officers of—May be Removed.]** § 5. At the first regular meeting in January of each year, or as soon thereafter as may be, the said board of school inspectors shall choose one of their own number as president of said board, and shall also appoint a secretary and treasurer, who may or may not be members of the board. The said secretary and treasurer shall hold their offices for one year, and until their successors shall be respectively appointed and qualified. The secretary and treasurer shall be subject to removal by a majority of all the members of the board, and in each of said removals, or where a vacancy may occur in said offices by death, resignation, removal from the city, or otherwise, the board shall appoint a competent person to fill the vacancy.

**772. Secretary—Duties—Compensation.]** § 6. The secretary shall keep a record of the proceedings of the board, in a book to be provided for that purpose, and shall do and perform such other duties in relation to the schools and education in said city as shall be required of him by the rules and regulations of the board, and shall be sworn to the faithful performance of his duties, and shall receive such compensation as the board may prescribe.

**773. Treasurer—Duties—Settlements—Bond Of.]** § 7. The treasurer shall receive all the moneys belonging to the "school fund" of the city of Peoria, and other moneys un-



der the control of said board; and shall keep a true and accurate account of all moneys received and paid out by him, for what purpose, and upon what and whose account; but he shall pay out no money except upon the order of the board. For all moneys paid out he shall take, and file with the papers of his office, proper vouchers; he shall settle his accounts with the board once in each year, and oftener if the board shall so require; he shall perform such other duties as the board may by any rule or regulation, prescribe; he shall be sworn to the faithful discharge of his duties, and shall give a bond to the city of Peoria, with good and sufficient sureties, to be approved by the board of school inspectors, in such sum as said board shall determine, but to be, as nearly as can be ascertained, in double the amount of all moneys that may be in his hands at any one time during any one year, and conditioned for the faithful performance of his duties as such treasurer, and especially faithfully to keep, and from time to time pay over all moneys that he shall receive as such treasurer, as he shall be directed by the board as required by law; and for any breach of the conditions of said bond, a suit shall be prosecuted for such breach or breaches against the treasurer and his securities, in the name of the city of Peoria, under the direction and supervision of said board of inspectors; and when any money shall be collected thereon, it shall be paid over as the board shall direct, to be used and appropriated as other money in the treasury; but if the default was for the non-payment or on account of the principal of the township school fund, it shall again become part of the principal of said fund.

**774. Meetings—Powers of Board.] § 8.** The board of inspectors shall hold stated meetings, and the president, or any two members of said board, may call special meetings by notice to each of the members of said board, served personally, or left at his usual place of abode, and shall have power:

*First.* To erect, hire, or purchase buildings suitable for school-houses, and keep the same in repair.

*Second.* To buy or lease sites for school-houses, with the necessary grounds.

*Third.* To furnish schools with what they shall deem necessary fixtures, furniture and apparatus.

*Fourth.* To establish, support and maintain public schools for all the children of the city and determine the rate of taxation for school purposes, in the manner hereinafter provided.

*Fifth.* To fix the compensation of teachers, and establish rules respecting their qualification, and how the same shall be determined.

*Sixth.* To prescribe school-books to be used, and the studies to be taught in the different schools.

*Seventh.* To lay off and divide the city into school districts, and, from time to time, alter the same, or create new ones, as circumstances may require.

*Eighth.* To establish schools of different grades, and such rules and regulations for the admission of pupils into the same, having regard to the ages and qualification of such pupils.

*Ninth.* To appoint such other officers, committees, or agents, as they shall deem best and most conducive to the well-being of the schools and of education in said city.

*Tenth.* And generally, to have and possess all the rights, powers and authority necessary for the proper managements of the schools, and the fund belonging to the city for school purposes, with power to make all such rules and ordinances as may be necessary to carry their powers and duties into effect, and perfect a good system of public instruction and schools in said city.

**775. Conveyance of Real Estate.] § 9.** On the sale of any real estate made by said board, they may, by resolution to be entered on the minutes of their proceedings by the secretary of the board, authorize and empower the president of

the board to convey such real estate, by a good and sufficient deed under his hand and private seal, to the purchaser or purchasers thereof; and such deed duly acknowledged by the president of the board making the same, as other deeds of real estate are required to be by the laws of this state, then in force, concerning conveyances by individuals, shall convey real estate to and vest all the title and interest of said board of school inspectors therein in the grantee or grantees in such deed mentioned, their heirs and assigns, forever; and the deeds of conveyance executed by the president of such board and duly acknowledged by him shall be *prima facie* evidence of his having been duly empowered by the said board to make such conveyance.

**776. Annual Reports—Publication.] § 10.** It shall be the duty of the board of inspectors to make annual reports, at the close of each year, setting forth therein the number of public schools in the city, the number of scholars in each school, the several branches of education pursued in each, the expenditures for each school, the compensation paid to teachers, the condition of school-houses, from what source funds have been received for school purposes, and what the condition of such funds, what are the accommodations furnished for the pupils, and making any other statement and suggestion that they shall deem proper to aid the cause of public schools and of education in the city. Said report shall be made to the city council, and the board shall also cause the said report, or such parts thereof as they shall judge best, to be published in pamphlet form, or in some one or more newspapers published in said city.

**777. Compensation of Board—of Treasurer.] § 11.** No member of the board of inspectors shall receive any compensation for his attendance of the meetings of the board, nor for the performance of their ordinary duties; but for extraordinary services reasonable compensation may be allowed.

The treasurer shall receive such compensation for receiving and disbursing money as the board of inspectors shall prescribe.

**778. School Funds—How Raised—Limit—To whom Paid.]** § 12. On or before the first Tuesday in August of each year the board of inspectors shall determine the amount of money which, in their opinion, will be required to be raised by taxation, for the support of the public schools of the city the ensuing year, and notify the city council of the rate of tax to be levied and collected for that purpose, as provided by the second clause of Chapter VII of this act, not exceeding the percentage authorized by said clause; and the amount so reported to the city council shall be levied and collected in the same manner and at the same time as other city taxes, and when collected shall be paid over to the treasurer of the board.

**779. School Money—Who Entitled to.]** § 13. No school in said city, or the teacher or pupils thereof, shall receive any part of any school fund belonging to the state or township, or any money raised by taxation, that is not a public school, as provided by this act, and established and maintained under the authority and direction of the board of inspectors.

**780. Schedules—Board to Report to State Superintendent.]** § 14. The several teachers of said public schools shall keep schedules of the pupils attending the schools, and of their attendance, etc., as is now required or may hereafter be required of teachers of public schools by law; and the said board of inspectors shall make return and report to the state superintendent of public schools on all such matters and things as is or shall be required by law and the direction of such superintendent of any county or township officers, and shall make such other reports as township officers are or may be required to make by virtue of any law of this state.

**781. Colored Schools.] § 15.** The board of school inspectors may establish a school or schools for the people of color in said city, on such a basis and under such rules and regulations and restrictions, as they shall deem just and proper; the expenditures for such schools to be in no case less than the amount of taxes paid by the colored population.

**782. Township Trustees of Schools Abolished.] § 16.** The office of trustees of schools of township eight (8) north, range eight (8) east, in Peoria county, is hereby abolished, and the board of school inspectors of the city of Peoria shall succeed to all the rights, powers and duties of said trustees, and the title to all real, personal and mixed property heretofore vested in said trustees shall vest in said board of school inspectors, with power to sell, lease and dispose of the same. The power to cause to be extended, levied and collected taxes for the support of free schools, which is now, or hereafter may be, by the general school laws of this state vested in the trustees of schools, shall be, and is hereby, vested in said board of school inspectors.

**783. May Issue Bonds—Limit—Interest—Where Payable.] § 17.** For the purpose of enabling the said board of school inspectors to provide additional school buildings in the city of Peoria, the city council of the city of Peoria are authorized to issue the bonds of said city, from time to time, signed by the mayor and countersigned by the clerk of said city, in such sums and payable at such times, not exceeding twenty years from their date, and at such place or places, with semi-annual interest coupons attached, as the said city council may deem proper: *Provided*, that the aggregate amount of such bonds to be issued, together with those heretofore issued and outstanding, for the purposes herein mentioned, shall not exceed at any one time one hundred and twenty-five thousand dollars. All of said bonds which may be made payable in the city of Peoria shall bear interest at a rate not exceeding eight per cent. per annum, and those payable in the city of



New York, or elsewhere out of the city of Peoria, not exceeding seven per cent. per annum, payable semi-annually. The city council of the city of Peoria shall provide, by ordinance, for the issuing of said bonds and the delivery of them to the president of the board of school inspectors of said city; and the proceeds thereof shall be by said board applied exclusively to the purpose of building, repairing, enlarging and furnishing school-houses and purchasing sites therefor in said city.

**784. School Taxes a Separate Fund—To Whom Paid—Surplus.]** § 18. The tax which the city council is empowered to levy and collect in pursuance of clause fourth of Chapter VII of this act, for the purpose of paying the interest and principal of bonds issued in pursuance of any previous acts and now outstanding, or which may hereafter be issued in pursuance of the foregoing section, shall, when collected, be paid into the city treasury and constitute a separate and distinct fund, specially pledged to the payment of the principal and interest of the aforesaid bonds. If there should be a surplus at any time, after paying the interest of said bonds, or redemption of any bonds issued by virtue thereof, the city council may, in their discretion, order the purchase of any of said bonds, if they can be purchased upon satisfactory terms, or, if no such bonds can be purchased, invest said surplus in United States securities.

**785. How New Law May Change This One.]** § 19. Any act of the general assembly now in force, or hereafter to be enacted, for creating and enacting a state system of public schools, shall not be construed in any manner to repeal, alter or change any of the provisions of this act, unless such act shall specifically provide for such repeal, alteration, or change.

**786. Certain Rights Perpetuated.]** § 20. All property, real, personal and mixed, belonging to or vested in trustees of schools of township eight (8) north, range eight (8)

east, and board of school inspectors of the city of Peoria, heretofore established by law, and all rights and claims, legal and equitable, existing in them, are hereby vested in the board of school inspectors of the city of Peoria created by this act, to be had, held and enjoyed in as full and ample a manner as they were by the former corporation; and all rules, regulations and appointments now in force, made by the former corporation and not inconsistent with this act, shall continue in force until changed, amended or annulled by the corporation hereby created, the latter corporation being in all respects the successor to the rights and duties of the former corporation.

**787. Repeal.]** § 21. That an act entitled an "Act to provide for schools in township eight (8) north, range eight (8) east, in Peoria county," approved March 6th, 1867, be and the same is hereby repealed.

# AN ORDINANCE

In Revision and Consolidation of the General Ordinances of the City of Peoria.

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WHEREAS, it is necessary that the general ordinances of the City of Peoria should be revised:

And WHEREAS, it is expedient that they should be consolidated and codified in appropriate chapters, articles and sections, and that the whole should be made concise and intelligible, therefore,

*Be it ordained by the City Council of the City of Peoria, as follows:*

## CHAPTER I.

### THE MAYOR.

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#### ARTICLE I.

Section.

788. Bond—Office.

789. Duties.

790. Licenses—Issuance and Revocation.

791. Supervision of Officers.

Section.

792. Officers—Appointment of.

793. Tax Titles—Conveyance of.

794. Apprehension of Criminals—Reward.

795. Other Duties.

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**788. Bond—Office.] § 1.** The mayor, before entering upon the duties of his office, shall take the oath of office prescribed by law, and shall execute a bond to the city of Peoria

in the penal sum of Three Thousand dollars with such sureties as shall be approved by the city council, conditioned for the faithful performance of the duties of his office; he shall keep his office at the city hall, or at such other place in the city of Peoria as may be provided by the city council, and he shall attend there for the transaction of the business of his office.

**789. Duties.]** § 2. The mayor shall sign all commissions, licenses and permits, granted by authority of the city council, except as otherwise provided, and such other acts and deeds as by law, or ordinance may require his official signature.

2u **790. Licenses, Issuance and Revocation.]** ~~§ 3~~ The mayor shall grant licenses for the purposes authorized by any ordinance of the city, to such persons, duly qualified according to ordinance, as he may deem proper, unless the city council shall otherwise provide, and he may revoke the same at pleasure.

**791. Supervision of Officers.]** § 4. The mayor shall supervise the conduct of all the officers of the city; examine the grounds of all reasonable complaints made against any of them, and cause all their violations of duty and other neglects to be promptly corrected, or reported to the proper tribunal for punishment.

**792. Officers, Appointment of]** § 5. The mayor shall appoint, by and with the advice and consent of the city council, all officers whose appointment is not by the laws of this state, or this ordinance otherwise provided for; and whenever a vacancy shall happen in any office, which by law he is empowered to fill, he shall, within thirty days after the happening of such vacancy, communicate to said council the name of his appointee to such office and, pending the concurrence of the city council in such appointment, the mayor may designate some officer of said city to discharge the duties of such office.

**793. Tax Titles, Conveyance of.]** § 6. The mayor and city comptroller, are hereby authorized and empowered, to sell and convey any and all lots and parcels of land to which a title is held by the city under sale and conveyance for city taxes or assessment, upon such terms as may be agreed upon, with the consent of the finance committee of the city council; but, in no case shall such sale and conveyance be made for a less consideration than the amount of the original purchase money and subsequent taxes paid by the city, with interest at the rate of 5 per cent. per annum.

**794. Apprehension of Criminals—Reward.]** § 7. The mayor may, whenever he may deem it necessary, issue his proclamation for the apprehension of any person, who may have committed a crime within the city of Peoria, and may, in such proclamation, offer a reward not exceeding Two Hundred Dollars, to be paid out of the city treasury, upon the certificate of the mayor that the service required has been performed.

**795. Other Duties.]** § 8. In addition to the above and foregoing, and to the duties imposed upon him by law, the mayor shall perform all such other duties, pertaining to his office as are, or may be, required of him by the ordinances of said city.



## CHAPTER II.

# LEGISLATIVE DEPARTMENT.

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Article.

I. The City Council,

Article.

II. The City Clerk.

### ARTICLE I.

#### THE CITY COUNCIL.

Section.

796. Meetings.

797. Special Meetings.

798. Special Meetings—Reconsideration of  
Vote.

799. Non-attendance.

Section.

800. Committees.

801. Report of Committee — Action De-  
ferred.

802. Attaching Papers to Report.

803. Aldermen—Compensation.

**796. Meetings.** § 1. The regular stated meetings of the city council of the city of Peoria shall be held in the council chamber, at the city hall, or at such other place in the city of Peoria, as the council may provide, on the first and third Tuesdays of each calendar month, except when the time for such meeting may happen to be a public holiday, in which case the council shall meet on the next day following; all regular meetings of the city council shall be convened at 7:30 o'clock p. m., unless otherwise ordered by the council; and adjourned meeting may be held for the purpose of completing the unfinished business of the regular meetings at such time, or times, as may be determined by the council.

**797. Special Meetings.]** § 2. Special meetinge of the city council may be called by the mayor or any three aldermen; the call of any such special meeting shall be in writing,

signed by the mayor, or at least three aldermen, stating the object and purpose of such meeting and the time of holding the same, and shall be filed with the city clerk; notice in writing, stating the object and purpose of such special meeting and the time and place of holding the same, shall be issued by the city clerk under his hand, and shall be served under the direction of the superintendent of the police upon each member of the council, personally, or by leaving the same at the usual place of abode of any member not personally served; but no business shall be transacted at any special meeting, except such as the meeting was called for and notification given thereof.

**798. Special Meeting, Reconsideration of Vote.] § 3.** No vote of the city council shall be reconsidered or recinded at any special meeting thereof, unless at such special meeting there shall be present as many aldermen as were present when such vote was taken.

**799. Non-attendance.] § 4.** That if any member of the city council shall absent himself from any meeting of the same, or depart therefrom before adjournment of any meeting of the council, unless he be excused by the council, he shall be subject to a deduction of his pay for such meeting.

**800. Committees.] § 5.** The standing committees shall consist of three members each, and shall be appointed by the city council, at the first regular meeting of the council in May of each year, or as soon thereafter as may be, and shall be as follows:

Finance.

Claims and Accounts.

Streets, Alleys and Bridges.

Sewers, Sidewalks and Crossings.

Railroads and Harbor.

Fire and Water.

Police and Judiciary.

Public Grounds and City Property.

Markets and City Scales.

Lights and Lamps.

Printing.

Licences.

Water Works.

**801. Report of Committee, Action Deferred.] § 6.** Any report of a committee of the city council shall be deferred, for final action thereon, to the next regular meeting of the city council after the report is made, upon the request of any two aldermen present.

**802. Attaching Papers to Report ] § 7.** Every committee of the city council, in reporting on a subject referred to them, shall attach to their report all papers or documents, in the possession of the committee, relative to the matters referred.

**803. Aldermen, Compensation.] § 8.** The compensation to be paid aldermen for their services is, hereby, fixed at the sum of three dollars to each alderman for each meeting of the city council, actually attended by him and no other compensation shall be allowed to any alderman for any services whatever.

## ARTICLE II.

### THE CITY CLERK.

Section.  
804. City Clerk—Duties Of.

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**804. City Clerk—Duties Of.] § 1.** The city clerk shall, in addition to the duties now imposed upon him by law, perform the following duties:

1. He shall issue notices to the members of the city council, when directed by that body, to the members of the different committees of that body, and to all persons whose attend-

ance will be required before any such committee, when directed by the chairman thereof; and shall, also, issue notices of special meetings.

2. He shall attest with the corporate seal all the licenses granted by the mayor, or the city council, under the ordinances of the city.

3. He shall, without delay, deliver to the officers of the corporation, and to all committees of the city council, all resolutions and communications referred to those officers, or committees of that body.

4. He shall, without delay, deliver to the mayor all ordinances or resolutions, under his charge, which may require to be approved or otherwise acted upon by the mayor, with all papers on which the same were founded.

5. He shall, on the first day of each month, report to the city comptroller, in writing, the name of each alderman, the number of meetings of the city council held during the preceding month, which such aldermen attended, and the number of meetings of the city council held during the preceding month which such aldermen failed to attend.

6. He may appoint a deputy, who, in the absence of the clerk, in case of sickness or otherwise, shall be empowered to perform all the duties of the city clerk.

7. He shall, daily, pay over to the city treasurer all moneys received by him, by or on any account whatever, taking a receipt therefor, and he shall on the first day of each month make a detailed account to the city comptroller of all moneys received by him during the preceding month, and on what account received and shall file therewith the receipt of the city treasurer for all such moneys.

## CHAPTER III.

# DEPARTMENT OF FINANCE.

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## Article.

- I. Finance—Fiscal Year.
- II. The City Comptroller.

## Article.

- III. The City Treasurer.
  - IV. The City Collector.
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### ARTICLE I.

#### FINANCE—FISCAL YEAR.

## Section.

- 805. Department of Finance Created.
- 806. Department, How Composed.

## Section.

- 807. Fiscal Year.
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**805. Department of Finance, Created.] § 1.** There is hereby established an executive department of the municipal government of the City of Peoria, which shall be known as the Department of Finance, and which said department shall have control of the fiscal concerns of the city in the manner as hereinafter provided.

**806. Department—How Composed.] § 2.** Said department of finance shall embrace the city comptroller, the city treasurer, and the city collector, and such clerks and assistants as the city council may, by ordinance, see fit to prescribe and establish. The comptroller shall be the head of said department and shall have the management of all matters and things pertaining thereto.

**807. Fiscal Year.] § 3.** The fiscal year of the City of Peoria shall commence on the first day of January in each and every year, beginning the first day of January, 1892.



## ARTICLE II.

## THE CITY COMPTROLLER.

## Section.

- 808. Comptroller—Office Created—Term.
- 809. Comptroller—Appointment of.
- 810. Comptroller's Bond.
- 811. Comptroller's Clerks.
- 812. Comptroller's Clerks—Bonds.
- 813. Comptroller's Duties.
- 814. Records, To Be Kept.
- 815. Settlement of Claims.
- 816. Claims—Verification.
- 817. Warrants—Record.
- 818. Appropriation Exhausted—Report.
- 819. Unexpended Appropriations.

## Section.

- 820. Comptroller's Accounts—Records.
- 821. Public Improvements—Contracts.
- 822. Sales—Special Tax or Assessment.
- 823. Licenses—Register.
- 824. Monthly Statements of Moneys Received and Expended, to be Made to.
- 825. Monthly Statement.
- 826. Annual Statement—Contents.
- 827. Estimates of Annual Appropriations.
- 828. Annual Settlement.
- 829. Expiration of Office—Delivery of Books, Etc., to Successor.

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**808. Comptroller—Office Created—Term.]** § 1. There is hereby created the office of city comptroller, who shall hold his office for the term of two years, and until his successor shall be appointed and qualified.

**809. Comptroller—Appointment of.]** § 2. The city comptroller shall be appointed by the mayor, by and with the advice and consent of the city council, on the first Tuesday in May, 1892, or as soon thereafter as may be, which appointment shall be for the term of one year, and until his successor is appointed and qualified; and thereafter the appointment shall be made on the first Tuesday in May, 1893, or as soon thereafter as may be, and biennially thereafter.

**810. Comptroller's Bond.]** § 3. Said comptroller before entering upon the duties of his office shall take the oath or affirmation prescribed by law for city officers, and shall execute a bond to the city of Peoria in the penal sum of twenty-five thousand dollars, with such sureties as the city council shall approve, conditioned for the faithful performance of the duties of his office.

**811. Comptroller's Clerks.]** § 4. The comptroller shall appoint such assistants, clerks and subordinates as the city

council may authorize, and shall be held responsible for the fidelity of the persons so appointed by him, and may remove them at his pleasure.

**812. Comptroller's Clerks—Bonds.]** § 5. Said comptroller shall require good and sufficient bonds to be given by all such assistants, clerks and employees in his office, who shall receive, or have the care, custody or handling of any moneys or other valuable things belonging to the city of Peoria, which said bonds shall be approved by the mayor.

**813. Comptroller's Duties.]** § 6. Said comptroller shall be charged with, and shall exercise a general supervision over all the officers of the city, charged in any manner with the receipt, collection or disbursement of the city revenues, and the collection and return of such revenues into the city treasury. He shall be the fiscal agent of said city, and, as such, shall have charge of all deeds, mortgages, contracts, judgments, notes, bonds, debts and choses in action, belonging to said city, except such as are directed by law or ordinance to be deposited elsewhere; and shall possess and carefully preserve all assessment warrants and the return thereof made by any collector or receiver of assessments, or special taxes, and all leases of markets, wharfing privileges, and other property of said city. He shall have supervision over the city debts, contracts, bonds, obligations, loans and liabilities of the city, the payment of the interest, and over all the property of the city, and the sale or disposition thereof, and generally, in subordination to the mayor and city council, to exercise supervision over all such interests of said city as, in any manner, may concern or relate to the city finances, revenues and property.

**814. Records—To be Kept.]** § 7. Said comptroller shall, under the direction of the mayor and finance committee of the city council, open and keep, in a clear and methodical manner, a complete set of books, wherein shall be stated,

among other things the appropriations of the year for each distinct object and branch of expenditure, and, also, the receipts from each and every source of revenue, so far as can be ascertained. Said books, and all papers, vouchers, contracts, bonds, receipts and other things kept in his office shall be subject to the examination of the mayor, the members of the city council, or any committee or committees thereof.

**815. Settlement of Claims.]** § 8. Said comptroller shall revise and audit all accounts or claims allowed by the city council in which the corporation is concerned, either as debtor or creditor, where provision for their adjustment is not otherwise made and provided for by law or ordinance; and he shall draw his warrant in due form upon the city treasurer therefor. But if, upon the examination of any such account or claim, he shall have reason to doubt its correctness, it shall be his duty to submit the same to the finance committee for its decision thereon, or else make report thereof to the city council.

**816. Claims—Verification.]** § 9. In making such adjustments and settlements, said comptroller shall be authorized to require any claimant, or claimants, to file with him a statement, in writing, under oath, as to any fact, matter or thing, concerning the correctness of any account, claim or demand presented against the city.

**817. Warrants—Record.]** § 10. Said comptroller shall keep in a suitable book, an accurate list of all warrants drawn upon the city treasurer, showing the date, number and amount of each, the name of the person in whose favor drawn, and the fund out of which each warrant is made payable; and he shall take the receipt of every person for the warrant upon the delivery thereof. All warrants drawn upon the treasurer shall be signed by the mayor and counter-signed by the comptroller, and shall specify therein the particular fund or appro-

priation to which the same is chargeable, and the person to whom payable; and no money shall be otherwise paid than upon such warrants so drawn.

**818. Appropriation Exhausted—Report.] § 11.** Whenever any appropriation or fund is exhausted, the comptroller shall, without delay, notify the city council thereof, and he shall not thereafter draw any warrant against such fund or appropriation until the same shall be renewed.

**819. Unexpended Appropriations.] § 12.** It shall be the duty of said comptroller to transfer and place to the credit of the general fund all unexpended balances of appropriations remaining at the close of each fiscal year: *Provided*, that no such transfer shall be made or disposition ordered of any trust fund, or any fund arising from special assessment or special taxation, nor in cases where contracts have been made or liabilities incurred on account of any such appropriations and remain uncompleted or unpaid at the close of the fiscal year, nor of any fund created for any special purpose or the payment of any liability exclusively provided for by taxation.

**820. Comptroller's Accounts—Records.] § 13.** Said comptroller shall keep a detailed account of the city revenue, and of each separate fund, crediting the same with all receipts or appropriations, and charging it with all warrants drawn thereon, and he shall charge each warrant to the fund or appropriation against which it is drawn. He shall also keep an accurate account of all debts due from or owing to the city, and he shall keep a book in which he shall enter a correct list of all bonds, notes or other obligations given by or payable to said city, with the date thereof, the person to whom payable, the person to whom, or by whom, payable, the rate of interest, the time and manner in which the principal and interests are payable, and such other particulars as may be necessary to the full understanding thereof; and when any city bonds are surrendered, cancelled or paid, said book shall show the fact;

and in his annual report to the city council, the comptroller shall describe particularly the bonds sold, exchanged or redeemed during the fiscal year, and give an itemized statement of the expense thereof.

**821. Public Improvements—Contracts.]** § 14. Said comptroller shall keep, in his office, a correct list of all public improvements ordered by the city council, and let under contract by the city; and all contracts and specifications therefor made by authority of the city council, or by any officer of the corporation pursuant thereto, in relation to such improvements, shall be filed in the comptroller's office; and no such contract shall be valid unless countersigned by said comptroller.

**822. Sales—Special Tax or Assessments.]** § 15. Said comptroller shall attend all sales of real estate in said city, made under proceedings in the county court of Peoria county, to enforce the collection of any special tax or assessment, levied and assessed by ordinance of the city council, for any public improvement, and to bid at such sales on behalf of the city.

**823. Licenses—Register.]** § 16. All licenses, when issued, shall be presented to the comptroller, who shall countersign the same, and shall enter, without fee, in a book to be kept by him for that purpose, the name of each person licensed, for what purpose licensed, the date and number of the license, the amount paid for the same, and the time of the expiration thereof.

**824. Monthly Statements of Moneys, Received and Expended, to be Made to.]** § 17. Said comptroller shall require all officers charged, in any manner, with the receipt collection or disbursement of the city revenues, to make monthly statements in writing, under oath, showing in detail all such receipts, collections and disbursements, and file the same in the office of said comptroller; and whenever any offi-



cer shall refuse or neglect to make such report or adjust his accounts, whenever so required by the comptroller, and pay over to the proper officer any moneys in his possession belonging to the city, said comptroller shall cause a notice in writing to be served upon such officer and his sureties, demanding a settlement of his accounts, forthwith; and, in case of the refusal or neglect of such officer, for a period of five days after said notice, to make such settlement and pay over said moneys, said comptroller shall report such officer to the mayor, who shall immediately remove him from office; and proceedings for the recovery of any moneys due the city shall be, at once, instituted against such delinquent and his sureties.

**825. Monthly Statement.] § 18.** Said comptroller shall, on or before the first day in each and every month, make and submit to the city council a statement or report, in writing, of all moneys received and warrants drawn by him during the preceding month, showing therein from what sources and on what account said moneys were received, and for what purpose and on what account said warrants were drawn, and the unexpended balances to the credit of each fund.

**826. Annual Statement—Contents.] § 19.** Said comptroller shall, on or before the first day of February in each year, make an annual report to the city council, giving a detailed statement of all the receipts and revenues of said city during the preceding fiscal year. Said report shall also detail the resources and liabilities of the city, the condition of all unexpended appropriations and contracts uncompleted, the balance of money then remaining in the treasury, with all sums due and outstanding; the names of all persons who may have become defaulters to the city and the amount of such default, and all other matters necessary to exhibit the true financial condition of the city.

**827. Estimates for Annual Appropriations.] § 20.** Said comptroller shall on or before the first day of February in each year, and before the annual appropriations are made

by the city council, submit to said council a statement of his estimates as nearly as may be, of the moneys necessary to defray the expenses of the corporation during the current fiscal year. He shall, in said report, classify the different objects and branches of expenditure, giving the amount required for each, as nearly as may be, and for the purpose of making such report all city officers shall, at the close of each fiscal year, make statements to said comptroller of the condition and expenses of their respective offices or departments, with any proposed improvements and the probable expenses thereof, and of all contracts made and uncompleted and the amount of any and all unexpended appropriations. He shall also in such report show the aggregate income of the preceding year from all sources, the amount of liabilities outstanding upon which interest is to be paid, the bonds and debts payable during the year, when due and when payable, and he shall give therein such other information to the city council as he may deem necessary, to the end that said council may fully understand the money exigencies and demands upon the city for the current year.

**828. Annual Settlement.] § 21.** The comptroller and the finance committee shall meet annually upon the close of each fiscal year, and examine and compare the reports and statements made by the comptroller and treasurer and other city officers, and shall report thereon to the city council.

**829. Expiration of Office—Delivery of Books, Etc., to Successor.] § 22.** Upon the expiration of his term of office or his resignation thereof, or removal therefrom, the city comptroller shall deliver to his successor in office all property, books, records, papers and effects of every description in his possession belonging to the city or appertaining to his said office.

## ARTICLE III.

## THE CITY TREASURER.

## Section.

830. Treasurers' Bond.

831. Treasurers' Assistants.

832. Assistants' Bonds.

833. Duties.

## Section.

834. Register and Cancel Warrants.

835. Report of Defalcation.

836. Books of Account.

837. Annual Report.

---

**830. Treasurer's Bond.]** § 1. The city treasurer before he enters upon the duties of his office, shall execute a bond to the city of Peoria in the penal sum of not less than the amount of the estimated city tax and special assessments for the current year, with at least two good and sufficient sureties, to be approved by the city council, conditioned for the faithful performance of his duties as treasurer, and the payment of all moneys received by him, according to law and the ordinances of said city.

**831. His Assistants.]** § 2. He shall appoint all assistants, clerks and subordinates employed in his office, and may remove them at his pleasure.

**832. Assistants' Bonds.]** § 3. It shall be the duty of said treasurer to require good and sufficient bonds to be given by all assistants and clerks in his office, who shall receive, or have the care, custody, or handling of any moneys or other valuable thing belonging to the city, which said bonds shall be approved by the mayor.

**833. Duties.]** § 4. Said treasurer shall receive all moneys belonging to the corporation and shall keep a separate account of each fund or appropriation, and the debits and credits belonging thereto, he shall render at the end of each and every month, and oftener, if required, a statement, under oath, to the comptroller, showing the state of the treasury at the date of such account, and the balance of the money in the treasury. Said statement shall set forth all moneys received by him, and from whom and on what account they shall have

been received; also, of all moneys paid out by him, and on what account they shall have been paid out, and he shall file with such statement in the comptroller's office all vouchers for such payments.

**834. Register. and Cancel Warrants.]** § 5. Said treasurer shall keep an accurate register of all warrants redeemed and paid by him, showing the number, date and amount of each, the fund from which paid, and the name of the person to whom and when paid; and he shall cancel all warrants as soon as redeemed by him.

**835. Report of Defalcation.]** § 6. He shall report to the comptroller any officer authorized to receive money, who may fail to make a return of the moneys received by him, at the time required by law, or by the ordinances of the city.

**836. Books of Account.]** § 7. Said treasurer shall cause to be kept books of account, in such manner as to show with entire accuracy, all moneys received by him, from whom received and on what account; and of all moneys paid out by him, and to whom and on what account they shall have been paid; and in such manner that said books may be readily understood and investigated; which books and all papers and files of said office shall be at all times open to the examination of the comptroller, the finance committee, or any member of the city council.

**837. Annual Report.]** § 8. Said treasurer shall, annually, upon the close of each fiscal year, make out and file with the city comptroller a full and detailed report of all receipts and expenditures of the corporation, as shown by his books, and of all his transactions as such treasurer during the preceding fiscal year, and he shall, in such report, show the state of the city treasury at the close of the fiscal year, which report the comptroller shall cause to be published without delay.

## ARTICE IV.

## THE CITY COLLECTOR.

## Section.

838. Collector--Office Created.

839. Collector--Appointment of.

840. Collector's Bond.

841. Duties.

## Section.

842. Daily Payment to Treasurer.

843. Monthly Statement.

844. Books of Account.

---

**838. Collector—Office Created.]** § 1. There is hereby created the office of city collector of special taxes and special assessments.

**839. Collector—Appointment of.]** § 2. The city collector shall be appointed by the mayor, by and with the advice and consent of the city council, on the first Tuesday in July, 1892, and annually thereafter, who shall hold his office until his successor is appointed and qualified.

**840. Collector's Bond.]** § 3. Said collector shall, before entering upon his duties as collector, execute a bond, with at least two sureties to be approved by the city council, in double the amount of the special assessments and special taxes to be collected by him, conditioned for the faithful performance of the duties of his office.

**841. Duties.]** § 4. He shall execute all special assessments and other warrants, which by law and the ordinances of said city may be executed by such collector, and shall perform such other duties as now are, or may, hereafter, be imposed upon him by law or the ordinances of the city.

**842. Daily Payment to Treasurer.]** § 5. He shall, each and every day, pay over to the city treasurer all moneys collected by him from any source whatsoever, taking such



treasurer's receipt therefor, which receipt he shall immediately file with the city comptroller, who shall, at the same time, or on demand, give such collector a copy of any such receipt so filed.

**843. Monthly Statement.**] § 6. He shall furnish and file with the comptroller a monthly statement of all moneys received by him, and from whom, and on what account they shall have been paid.

**844. Books of Account.]** § 7. It shall be the duty of the city collector, under the direction and supervision of the city comptroller, to keep books and accounts, which shall show all receipts and moneys received by him and other matters pertaining to his office; such books and accounts to be kept in a clear, intelligible and methodical manner.

## CHAPTER IV.

## DEPARTMENT OF PUBLIC WORKS.

## Article.

I. Commissioner of Public Works.

II. City Engineer.

## Article.

III. Superintendent of Streets.

## ARTICLE I.

## COMMISSIONER OF PUBLIC WORKS.

## Section.

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**845. Department Created.]** § 1. There is hereby established an executive department of the municipal government of the City of Peoria, which shall be known as the

Department of Public Works, and shall embrace the commissioner of public works, the city engineer, and superintendent of streets.

**846. Office of Commissioner Created.]** § 2. There is hereby created the office of commissioner of public works, and the person appointed to such office shall be known and designated as the "Commissioner of Public Works," who shall be the head of said department of public works, and shall hold his office until the appointment and qualification of his successor.

**847. Appointment—Term.]** § 3. The commissioner of public works shall be appointed by the mayor, by and with the advice and consent of the city council, at the first regular meeting of said council, in the month of May, 1892, or as soon thereafter as may be, which appointment shall be for the term of one year, and until his successor is appointed and qualified, and thereafter such appointment shall be made at the first regular meeting of said council in May, 1893, or as soon thereafter as may be, and biennially thereafter.

**848. Qualifications.]** § 4. No person shall be eligible to appointment to the office of commissioner of public works who has not at the time of his appointment thereto, been a resident and qualified voter of said city for a period of five years next preceding such appointment, and he shall during his term of office as such commissioner hold no other public salaried office.

**849. Bond and Oath.]** § 5. Said commissioner before entering upon the duties of his office, shall execute a bond to the City of Peoria, in the sum of twenty-five thousand dollars, with two or more sureties, to be approved by the city council, conditioned for the faithful performance of the duties of his office, and take and subscribe the oath prescribed by law for city officers.

**850. Powers, Appointment of Clerks, Etc.] § 6.** He shall have the management and control of all matters and things pertaining to said department of public works. He shall have the appointment and removal of all clerks and assistants in his said office, that the city council may authorize him by ordinance and resolution to employ, and at such salary as the council may prescribe.

**851. Assistants and Emplsyes.] § 7.** Said commissioner shall be responsible to the City of Peoria for the faithful performance of duty, of all clerks and assistants in his employ, and for any violation of duty in the management or control of any matters or things pertaining to said department, for which any of said clerks or assistants are responsible, by reason whereof the City of Peoria is rendered liable. The official bond of said commissioner shall be so conditioned as to save and indemnify said city against such liability.

**852. Duties.] § 8.** Said commissioner shall have charge of all public improvements commenced, or to be commenced by said city, and of all improvements by special assessments, and shall have power, subject to the ordinances of the city, to regulate and control the manner of using the streets, alleys, highways, parks and public places of the city for the erection and location of telegraph, telephone, electric light or other poles or posts, for the laying down of gas, water or steam pipes and sewers, authorized by law or the ordinances of the city, and to determine the location thereof, and to cause the prompt repair of the streets, alleys, highways or other public places, wherever, for any cause, the same are taken up, or become in, an unsafe or unsuitable condition.

**853. Duties.] § 9.** It shall be the duty of said commissioner of public works, subject to the provisions hereof and the ordinances of the city, to take special charge and superintendence of all streets, alleys, lanes and highways in the City of Peoria, and of all sidewalks and crossings,

bridges, viaducts, docks, wharves, public grounds and parks belonging to the city, and of the erection of all public buildings by the city, and of the lighting of the streets, alleys and public buildings of the city, and of all sewers and works pertaining thereto.

**854. Expenditures—Control of.] § 10.** Said commissioner shall control and direct all expenditures to be made by the board of public works; shall sign and draw his requisition upon the comptroller for the payment of all bills and accounts therefor, which are correct, and which are duly certified by the superintendent, under whose supervision the expenditure was incurred.

**855. Expenditures Certified to Council—When.] § 11.** It shall be the duty of said commissioner of public works, on or before the first day of February annually, to certify under oath to the city council all expenditures incurred in said department of public works for public improvements, paid out of the general corporate fund of the city, for the previous year, and to state in detail for what purposes such expenditures were made, and to also certify the amount and for the different purposes of all public improvements, payable out of such fund ordered by the city council for the current year.

**856. Improvements by Special Assessment Certified to Council.] § 12.** Whenever any public improvement shall be ordered by the city council, the cost of which is to be paid for by special assessment, it shall also be the duty of the commissioner of public works to certify in like manner as provided in the foregoing section, the amount of the cost of such public improvement assessed against the city, and payable out of the general fund.

**857. Improvements—Commissioner to Control.] § 13.** The commissioner of public works shall have special superintendence of all public improvements ordered to be made by the city council, the cost of the making of which is to be



met by special assessment, or by special taxation, or both, of contiguous property, or by general taxation, or otherwise, as prescribed by the ordinance directing the making of any such improvement.

**858. Plans, Profile and Specification of Improvements.]**

§ 14. Whenever any public improvement shall be ordered by the city council, a plan or profile of such public improvement, accompanied with specifications for doing of the same as prescribed by the ordinance of the city council ordering such improvement, shall be made and placed on file in the office of the commissioner of the department of public works, which said plan, profile and specifications shall, at all times, be open for public inspection in said office, and no contract shall be let for the making of any public improvement except in the manner prescribed in these ordinances.

**859. Contracts—How Let.]** § 15. All contracts for the making of any public improvement, where the expense thereof shall exceed the sum of five hundred dollars, shall be let to the lowest responsible bidder, after advertising the same, such contracts to be approved by the mayor; Provided, however, that no advertisement shall be made for bids for the making of any such public improvement, until the expiration of five days from the date of filing plans, profile and specifications in the office of the commissioner as hereinbefore required, and, provided, further, that any such contract may be entered into by said commissioner at any time, after the passage of the ordinance ordering any public improvement, without advertising for bids, or without the approval of the mayor, when so directed by resolution of the city council, adopted by a vote of two-thirds of all the aldermen elected.

**860. Contracts—Advertisement for Bids.]** § 16. All advertisements for bids for the making of any public improvement ordered by the city council shall be made in the name of the commissioner of the department of public works, by adver-

tisement in some daily newspaper published in the city of Peoria, printed in the English language, and shall be published three separate week days, the first publication of said advertisement to be not less than ten days before the day fixed for opening said bids, which notice shall give a brief statement of the work to be done, and also state, that the plans, profile and specifications of said proposed public improvement, are on file, and open to public inspection, in the office of the commissioner, said advertisement shall reserve the right to said commissioner, to reject any and all bids. Said advertisement shall also require a deposit, to be approved by the commissioner, not less than five per cent. of the estimated cost of such proposed public improvement, to accompany each bid.

**861. Contracts—Bids For—How Made.]** § 17. In all cases the bids for doing any work, or making any public improvement, shall be sealed bids, directed to the commissioner of public works, and shall be accompanied with a deposit in the sum fixed by the said commissioner in said advertisement. Said deposit shall be in money or currency of the United States, or a certified check upon some Peoria bank in good standing, to be approved by the commissioner, payable to the order of said commissioner, which said deposit shall be forfeited to the City of Peoria in the event that the bidder shall neglect or refuse to enter into a contract (with approved sureties) to execute the work for the price named in his bid, and according to the plans and specifications, in case the contract shall be awarded to such bidder. Said bids shall be opened by the commissioner at the hour and place mentioned in said notice; and should said bid, or bids, be rejected, or should it become necessary for any other reason to readvertise for bids to do said work, such subsequent advertisement shall be made in the same manner and upon the same conditions as is provided in the first advertisement.

**862. Contracts of \$500 and Under—How Let.]** § 18. All contracts for the making of any public improvement, re-

lating to any of the matters under the cognizance of the department of public works, where the total cost does not exceed in amount, the sum of five hundred dollars, shall be let by the commissioner of public works to the lowest responsible bidder, whose bid does not exceed the estimated cost of such improvement, upon such bidder filing bond with the commissioner, with two or more sureties thereon, to be approved by the said commissioner, in double the amount of the contract price, for the faithful performance of the conditions therein, in said contract specified.

**863. Contracts—How Executed.]** § 19. All contracts shall be executed in triplicate by the commissioner of public works, on the part of the City of Peoria, and by the contractor; one of which so executed, shall be filed and kept in the office of said commissioner, one shall be given to the city comptroller, which shall by him be filed and kept in his office, and the third shall be given to the contractor.

**864. Contractors' Bonds.]** § 20. All contractors' bonds taken, as required in the preceding section, shall be executed in duplicate, one original copy of which shall be filed and kept in the office of the commissioner of public works, and one shall be filed with the city comptroller for safe keeping.

**865. Contracts and Bonds—Execution—Approval.]** § 21. All contracts and bonds so taken, shall be in the name of, and run to, the City of Peoria. And every contract let for any public improvement within the cognizance of the department of public works, shall be signed by the commissioner of public works, approved and signed by the mayor, and countersigned by the city comptroller.

**866. Streets, Etc.—Cleaning of—Who to Control.]** § 22. The commissioner of public works shall have charge of the cleaning of all the streets, avenues, alleys, or public grounds of the city, and the work done under any contract

made and entered into for such purpose shall be done under the superintendence of the superintendent of streets, subject to the directions of said commissioner.

**867. Contracts for—How Let.]** § 23. All contracts for the cleaning of any of the streets, avenues, alleys or public grounds of the city, when the expense thereof shall exceed the sum of two hundred dollars, shall be let by the commissioner of public works to the lowest responsible bidder, such contracts to be approved by the mayor. Provided, however, that contracts may be entered into by said commissioner when the expense thereof shall not exceed two hundred dollars, without advertising for bids, and without the approval of the mayor, when authorized by a two-thirds vote of all the aldermen.

**868. Contracts—Bond.]** § 24. In all contracts let by the commissioner, under the provisions of the preceding section, bonds shall be given in the same manner, and upon like terms and conditions as is required in this ordinance, upon the letting of other contracts.

**869. Contracts—when Authorized—Emergency.]** § 25. No contract shall be made by the commissioner of public works relating to any matters within the cognizance of the department of public works, for any work or supplies, unless such work or supplies shall have been authorized by the city council, except in such cases where such work or supplies are required, the total cost of which does not exceed one hundred dollars, and necessary to be done or furnished before the next regular meeting of the council, in which event the commissioner of public works may direct such work to be done, or supplies furnished, but no expense shall be incurred for such purpose without the written order of the commissioner of public works, and no claim or demand for the filling of such an order shall be paid, or become a charge against the City of Peoria, unless the same is presented with the written order of said commissioner authorizing such expenditure, and together with

the bill upon which payment is asked, filed as a voucher in the office of said commissioner, whereupon it shall be the duty of said commissioner to draw his warrant upon the proper officer of the City of Peoria for the amount of such bill, payable to the order of the person, or persons, doing such work or furnishing such supplies.

**870. Contracts—Rights Reserved.] § 26.** In all contracts executed by the commissioner of public works, on behalf of the city, the right shall be reserved to said commissioner to finally decide all questions arising as to the proper performance of said work, and in case of improper construction, or of non-compliance with the terms and conditions of the contract in any manner, to suspend said work at any time, or to order the partial, or entire reconstruction of said work, if improperly done, or to declare the contract forfeited, and to relet the same without further advertisement; and to adjust the difference in damages, if any is thereby occasioned to the city, which the contractor, failing to properly construct such work, in such cases of default, should pay to the city according to the just and reasonable interpretation of said contract.

**871. Contracts—Estimates on—Per Cent. Reserved.] § 27.** In cases where the contractor shall proceed to properly perform and complete their said contracts, the commissioner may, from time to time, as the work progresses, grant to said contractor an estimate of the amount then earned, reserving ten per cent. therefrom, which shall entitle the holder to receive the amount that may be due thereon, when the money applicable to the payment of such work shall have been collected, and the conditions annexed to said estimate (if any) shall have been satisfied.

**872. Contracts Based on Special Assessments—Conditions.] § 28.** All contracts for any public improvement to be paid for in whole or in part by special assessment, or special



taxation shall contain covenants, in substance to the effect, that the contractor shall have no claim or lien upon the city in any event, except from the collection of the special assessment or special tax made to pay the cost of the work contracted for, and that no liability of any kind shall attach to the City of Peoria, by reason of its being a party to such contract, except for the payment of the amount of money received by the city under such assessment or special tax proceedings. And no contract for work to be paid for by special assessment shall be let upon any other terms.

**873. Contractors' Default.]** § 29. In case the prosecution of any public work shall be suspended, in consequence of the default of any contractor, or in case the bids received for doing such work shall be deemed excessive, or the person or persons making such bids or proposals, are, in the opinion of the commissioner, irresponsible, or unfit to be entrusted with its performance, the said commissioner of public works may, with the approval of the city council, employ workmen to perform or complete any such public improvement, ordered by the city council to be made.

**874. Contracts—Provisions of—Contractors' Liability.]** § 30. Whenever said commissioner of public works, or other city officer, shall let the contract for any work or improvement, the doing or construction of which shall require the digging up, use or occupancy of any street, alley, highway or public ground of said city, there shall be inserted in such contract, substantial covenants requiring such contractor, during the night time, to put up and maintain such barriers and lights as will effectually prevent the happening of any accident, in consequence of such digging up, use or occupancy of any such street, alley, highway or public grounds, for which the city might be liable. And, also, to provide in such contract that the party contracting with the city, shall be liable for all

damages occasioned by the digging up, use or occupancy of such street, alley, highway or public grounds, or which may result from the carelessness of such contractor, his agents, employes or workmen.

**875. Contractors' Bond of Indemnity.] § 31.** Whenever any work or improvement is let by contract, to any person, firm or corporation, the officers of the city letting the contract for such work or improvement, shall, in all cases take a bond from the contractor, with good and sufficient sureties, in such an amount as shall be adequate to insure the performance of the work in the time and manner required in the contract, and also to save, indemnify and keep harmless the City of Peoria, against all liabilities, judgments, costs and expenses which may in any wise accrue against said city in consequence of such contract, or which may in any wise result from the carelessness or neglect of such person, firm or corporation, or his, their or its agents, employes or workmen, in any respect whatever; and conditioned also, that whenever any judgment is recovered against said city by reason of the carelessness or negligence of such person, persons, firm or corporation so contracting, or his, their or its agents, employes or workmen, and when due notice has been given of the pendency of such suit, such judgment shall be conclusive against such person, firm or corporation, and his, their or its sureties on such bond, not only as to the amount of damages, but as to their liability; said bond shall be conditioned also for the payment of all claims and demands whatever, which may accrue to each and every person who shall be employed by such contractor, in or about the performance of such contract.

**876. Contracts—Forfeiture—per cent. Reserved.] § 32.** All contracts let for the making of any public improvement, the cost of which is to be met by special assessment, or special taxation, or made payable out of the corporate fund of

the city, shall contain a clause to the effect that it shall and may be lawful for the commissioner of public works, or other officer letting such contract, to reserve and deduct from the estimated amount earned, or due upon such contract, ten (10) per cent. of such estimate then so earned, or due upon such contract, and that such percentage so deducted shall not be payable to such contractor until he, or they, shall satisfy said commissioner, or other officer letting such contract, that all workmen and employes have been fully paid, the terms and conditions of such contract fully complied with, and the work performed thereunder finally accepted by the proper authority of the city government.

**877. Contracts—Violation of—Penalty.]** § 33. Any such contracts shall also provide that in the event of any contractor or contractors violating the provisions of said contract, that he or they shall forfeit twenty (\$20.00) dollars to the City of Peoria, for each and every day that he or they, shall violate the provisions thereof.

**878. Notice—Default—Pay to Workmen, Etc.]** § 34. Whenever the commissioner, or other officer letting the contract, shall notify such contractor or contractors, by written notice personally served, or by leaving a copy thereof at the contractor's last known place of residence, that no further estimates or vouchers will be issued, or payments made on such contract until the employes and workmen have been paid, and the contractor, or contractors shall neglect or refuse, for the space of ten days after service of such notice, to pay such employes or workmen it shall, and may be lawful for the city to apply any money due, or that may become due under the contract, to the payment of such employes, or workmen without other, or further notice to said contractor or contractors; provided, however, that the failure of the city to retain and apply any of such moneys, or of the commissioner or any other officer of the city government, to order that no further

estimates shall be made or vouchers issued, shall not, nor shall the fact that any reserved percentage has been paid to the contractor without the employes and workmen being first paid, in any or either event, in any way effect the liability of the contractor or his sureties upon any bond given in connection with such contract.

**879. Contractors' Bonds—Statement of Sureties.] § 35.**

In all cases, before the letting of any contract, for the making of any public improvement, where bonds are required to be taken by the commissioner of public works, or other officer or department of the city, having authority to let the contract for the making of such improvement, the sureties signing the bonds tendered by the contractor, or contractors, shall deposit with said commissioner, or other officer, or department of the city, a statement, under oath, showing the real property owned by each surety, its fair market value, where located, and the amount of encumbrances, if any, thereon.

**880. Bonds and Statement of Sureties to be Kept.]**

§ 36. In all cases where statements are made, as provided in the foregoing section, and the bond and sureties tendered by the contractor are approved by the officer, or department of the city having charge of the particular matter to which it may relate, and the contract is let to the contractor, or contractors, named as principal, or principals, in such bond, it shall be the duty of the officer to whom such statement is made to file and keep such statement, together with the bond given, until all the terms and conditions of the contract, for the performance of which such bond is given, have been fully met and complied with.

**881. Bonds and Statements—Where to be Filed.]**

§ 37. All bonds given by contractors for the making of any public improvement under the control of the department of public works, and all statements of the financial responsibility

of sureties named in such bonds, shall be filed with the comptroller; and the commissioner of public works, together with the mayor, shall approve the same, and all bonds given by contractors for the making of any other public improvement not under the department of public works, shall with the statement of the sureties, be filed with the comptroller, and the department of the city having authority to let such contracts, together with the mayor, shall approve such statements and bonds.

**882. Sureties—Qualifications of.]** § 38. In all contractor's bonds, given for the performance of the terms and conditions of any contract, or for the making of any public improvement, two or more securities shall be required thereon, who shall own real estate, in the county of Peoria, Illinois, and are not directly interested in the improvement to which the contract relates.

**883. Contracts—Mayor—Commissioner, Etc. Interested Individuals.]** § 39. Neither the commissioner of the department of public works or any member thereof, nor any superintendent, officer, clerk, or other person employed in or about said department, shall be interested, directly or indirectly, in any contract made and entered into by said department, for any work to be done, or for any materials to be furnished, and all contracts made by said department in which the said commissioner, mayor of the city, or any officer or employe of said department, shall be so interested, shall, at the option of the city, be declared unlawful and void, and of no binding effect whatever, and any officer of said department interested in any contract shall thereby forfeit his office, and be removed therefrom on proof of such delinquency.

**884. Annual Report to the City Council.]** § 40. The commissioner of public works shall, on or before the first day of February, in each year, prepare and present to the city council, a report under oath, showing the receipts and expend-



itures, and the entire work of his department during the previous fiscal year. Said report shall contain a detailed statement of all receipts and from what sources; the total amount of expenditures, and for what purposes; the regular employes in said department of public works and their respective salaries; the public improvements made and of what character, and the cost of same, and whether payable out of the general corporate fund or by special assessment; the amount expended for repairs, and the nature and cost of the same; the amount of rebates (if any) due property owners on account of improvements completed, the cost of which was to be met, in whole or in part, by special assessment, or by special taxation, and on what improvements such rebates are due.

**885. Annual Report to Comptroller.]** § 41. Said commissioner shall also, on or before the first day of February annually, prepare and submit to the comptroller, to be by him laid before the city council with his annual estimates, a statement, as near as the same can be estimated, of the repairs and improvements necessary to be undertaken by the city during the current year, the cost of which is to be paid for out of the general corporate fund, and of the cost of such repairs and improvement, as near as the same can be ascertained, and also a statement of any necessary or desired improvements, with the probable expense thereof, and of all contracts made and unfinished, and the amount of any and all unexpended balances, and on what account of the appropriations of the preceding year or years, which said statement or reports shall be under oath and be in detail. The city council having revised, changed or altered the estimates so submitted, may provide for raising the same in the annual appropriation bill or ordinance.

**886. Books of Account.]** § 42. It shall be the duty of the commissioner of public works to keep books of account in such manner as to show with clearness and accuracy the receipts and expenditures of said department, and in such

manner that the same may be readily understood and investigated, and also to preserve on file in said department duplicate vouchers of all the expenditures of said department, which books and vouchers and all other papers and files relating to any matter or in any way concerning the affairs of the city government, shall be at all times open to examination in the office of said commissioner, by the mayor, comptroller, city attorney, the finance committee or any member of the city council.

**887. Custody of Sewers and Drains.] § 43.** All sewers, culverts and drains now made, or hereafter to be made, in any of the streets, avenues, alleys or other public places in the city, shall be under the charge of the department of public works, which department is charged with the duty of keeping the same in good condition and repair, and that the same are kept free from all obstructions, and the commissioner of public works shall cause such repairs thereof, and of the catch basins, culverts and openings connected therewith, as may, from time to time, become necessary.

**888. Sewers and Drains—Connections—Permit. § 44.** The commissioner of public works shall prescribe the manner and point of piercing and opening any of the sewers or drains, in any of the public streets or public places of the city, and the form, size, and material of the connection made therewith, and shall have authority to grant permits to make lateral connection with said sewers, which said permit when granted to any person or persons, shall specify the point in such sewer such lateral connection shall be made, the form, size and material to be used in making such connections, how the same shall be connected at each end of such lateral, the hour of the day when the street, or public thoroughfare may be dug up for such purpose and the property for which such connection is made.

**889. Connecting With, Without Permit—Penalty.]**

§ 45. No connection shall be made with any sewer or drain in any of the public streets, avenues, alleys or other public places in said city, without the written permit of the commissioner of public works, as provided in the foregoing section of this ordinance; and any person making, or attempting to make any connection or opening into any such sewer or drain without first having obtained such permission, or having obtained such permission, makes such connection in a manner different from the mode perscribed in such permit issued by said commissioner, shall subject the person making the same, and the person directing it, respectively to a penalty of not exceeding fifty dollars.

**890. Connection with Sewer—How Authorized.] § 46.**

The commissioner of public works may, when authorized by the city council, grant permission to persons to construct, at their own expense, sewers or drains, to lay pipes to connect with any sewers or drains, built in any of the streets, avenues, alleys, or public places in the city, in the manner and subject to the provisions, herein prescribed, and also subject to the further provisions, that such permission shall not be granted by the commissioner to any person, firm or corporation, except upon the agreement, in writing, of the person, firm or corporation, applying for such permission, that said work shall be performed by some person, or persons, duly licensed therefor, or under the supervision or direction of some such person, and that such person, firm or corporation to whom such permission is given, will indemnify the City of Peoria, against any loss or damage which it may sustain by reason of injuries resulting from negligence or carelessness in performing the work so permitted.

**891. Sewers—City's Right—Etc., Reserved.] § 47.**

No person, firm or corporation, constructing any work under the provisions of the preceding section of this ordinance, shall

have any claim against the city, if the work so permitted, at any time after the same may be completed, is ordered to be taken up by the authority of the city council; nor shall any such person, firm or corporation, have any exemption from an assessment lawfully imposed, for constructing sewers or drains in the vicinity of their property, and the constructing of any sewers or drains, by any person, firm or corporation under the provisions of the preceding section of this ordinance, shall be deemed and taken as an acquiescence in the provisions of this sections, whether the same be set forth in the permit of the commissioner authorizing such work or not, and shall be binding upon the heirs, administrators, successor, or assigns of any such person, firm or corporation.

**892. Sewer Connection, Etc., Commissioner to Grant Permits for.]** § 48. It is hereby made the duty of the commissioner of public works to provide the city with permits to be used for the purposes specified in section 44 of this ordinance. Said permits shall be made in book form, well bound, and numbered in duplicate, from one upwards, and shall contain upon their face a brief summary of the provisions of the two preceding sections. Upon application to the commissioner by any person for such permit, he shall fill out the same in duplicate to the person, firm or corporation applying therefor, which duplicates shall be signed by the commissioner, and the person, firm or corporation asking such permit, one of which shall be delivered to the applicant, and the other to remain undetached in the said book of permits, in the office of said commissioner, and shall be by him safely kept for any future use or reference by the city.

**893. Deposit of Cost of Repairing—Engineer to Estimate.]** § 49. No permit shall be granted to any person, firm, or corporation, to dig up or open any street, avenue, alley, or other public place, unless the applicant for such permit, in addition to complying with all other requirements of

this ordinance, shall also deposit with the said commissioner a sum of money sufficient to cover the expense of replacing the same in as good condition as before the same was dug up or opened. The amount of said deposit shall be ascertained by the city engineer, and shall in all cases be fixed by said engineer at the lowest sum for which such repairing or replacing can be properly done, and which shall in all cases be done by the city, through its department of public works, and under the direction of the city engineer, and the actual cost thereof be borne by the person, firm, or corporation upon whose request any such street, avenue, alley, or other public place was dug up or opened.

**894. Engineer—When to Make Estimate.] § 50.** Upon application by the commissioner of public works to the city engineer for an estimate of the expense of replacing or repairing any street, avenue, alley or other public place to be dug up or opened, as provided in this ordinance, it shall be the duty of the engineer to make, or cause to be made, a written detailed statement of such expense, which said statement shall be made in duplicate, and be signed by said engineer, both of which shall be delivered to said commissioner, and by him one of said estimates shall be delivered to the applicant by or on whose account the same was made, and the remaining one shall be filed and kept by said commissioner in his office.

**895. Engineer's Fees for Estimate—Limit.] § 51.** The person, firm, or corporation, by or on account of whom any such estimate is made, shall pay to said commissioner, as the city engineer's fees and charges for making the same, an amount equal to ten per cent. of such estimate. Provided, however, that no fee or charge shall exceed for any one estimate, the sum of ten dollars; which said fee shall in all cases be payable, as above provided, by the applicant, by or on whose account the same is ordered, whether he or they shall take out a permit for the opening or digging up of any such street, avenue, alley or other public place or not.



**896. Record of Permits—How to be Kept.] § 52.**

The commissioner shall keep a record, in a plain and permanent manner, of all permits granted by him, to any person, firm, or corporation, for any of the purposes specified in these ordinances, in which he shall enter the name of the person, firm or corporation, to whom such permit was issued, for what purpose, the amount of moneys received, and from whom, for the replacing or repairing of any street, avenue, alley or other public place, dug up or disturbed under such permit, and the amount of moneys received, and from whom, as engineer's fees, on account of estimates furnished by said engineer, and he shall make report of, and pay over to the proper department of the city government, monthly, all such funds.

**897. Special Funds—How Paid Out.] § 53.** All moneys to be paid to any person or persons out of the water or sewerage funds, or any special assessment or special tax fund, shall be certified by the commissioner of public works, or, in case of his absence from the city, or incapacity by sickness or otherwise to act, by the mayor of the city, to the city comptroller, and a warrant therefor shall be drawn, stating therein the particular fund to which the same is chargeable.

**898. Further Reports of Commissioner.] § 54.** The commissioner of public works shall, when required by the city council, inquire into and report upon any matter within the cognizance of the department of public works, and shall, from time to time, communicate to the city council any information or suggestions which he may deem important in relation thereto.

**899. Rules and Regulations as to Subordinates.] § 55.** All subordinate officers, assistants, clerks and employes employed in said department shall, be subject to such rules and regulations as shall be prescribed from time to time by said commissioner of public works.

## ARTICLE II.

## CITY ENGINEER.

## Section.

- 900. Creation of Office—Appointment—Term.
- 901. Bond.
- 902. Qualifications.
- 903. Duties of.
- 904. Surveying Streets.
- 905. Surveys to be made by Engineer.
- 906. Records.

## Section.

- 907. Fees.
- 908. Other Duties.
- 909. Bridges, Etc.—Construction, Etc.
- 910. Assistants.
- 911. Rules and Regulations.
- 912. Reports—Monthly.

**900. Office of, Established, Engineer, How Appointed.]**

§ 1. There is hereby established the office of city engineer. He shall be appointed by the mayor, by and with the advice and consent of the city council, at the first regular meeting of the city council in the month of May, 1892, or as soon thereafter as may be, which appointments shall be for the term of one year and until his successor is appointed and qualified, and thereafter such appointment shall be made on the first regular meeting of the city council in May, 1893, or as soon thereafter as may be, and biennially thereafter.

**901. Bond of.]** § 2. Said engineer shall, before entering upon the duties of his office, execute a bond to the city of Peoria, in the sum of ten thousand dollars, with two or more sureties thereon, to be approved by the city council, conditioned for the faithful performance of the duties of his office, and take and subscribe the oath prescribed by law for city officers.

**902. Qualifications of.]** § 3. No person shall be appointed to the office of city engineer, who is not reasonably skilled in the profession of civil engineering and surveying, and able to read, write and speak the English language, or who is not at the time of such appointment a citizen of the United States.

**903. Duties of.]** § 4. That in addition to any other duties required of said city engineer, appointed to such office under the provisions of this ordinance, he shall, when so

ordered by the city council, ascertain and establish the grade of every street, avenue, lane, alley, or other public place, landing or square within the corporate limits of the city of Peoria, and mark the grade of any such street, lane, avenue, alley, public landing, or public square in some substantial and permanent manner. He shall, from time to time, examine all public works in the course of erection, and shall preserve and file in his office, in a manner convenient for reference, all the plats, surveys, maps, papers and books pertaining to his office. He shall also make the necessary surveys of streets, lanes, avenues, alleys, public landings and public squares, and all other surveys required by the city, and shall also mark the line of any lot on any public or private property; make correct levelings of all streets, lanes, avenues and alleys the grade whereof is not yet established, and leveling plans and estimates of any street, lane, avenue or alley the grading whereof shall be changed or altered; make such land-marks, either for surveying or leveling, by planting stones, stakes or otherwise, as he shall deem necessary or useful in field operations, and mark out all streets, lanes, avenues and alleys authorized to be opened by the ordinances of said city; he shall construct and keep in his office a connected map of the city, showing thereon the several additions thereto, the streets, lanes, avenues, alleys, public landings, squares, buildings and city property, and bridges, and generally all such conspicuous and permanent topographical information as he shall deem necessary, and from time to time correct or alter the same as circumstances may require; he shall also report to the city council, at their stated meeting in each month, a general abstract of all the operations of his department since the previous report, the work executed and which remains to be executed, and such other information as he shall deem of interest to the city, or the council may require.

**904. Surveying Streets.] § 5.** Whenever any new street, lane, avenue or alley is established, or any alteration

made in the existing streets, lanes, avenues and alleys, or any addition is made to the city of Peoria, the engineer shall survey the same, by running the centre line thereof, and noting the width of the street on each side of the line, the intersection of certain streets therewith, and shall make levelings thereof, and report to the city council a plan and measurement for the grade thereof, and the grade of the intersections therewith.

**905. Survey to be Made by Engineer.] § 6.** The said engineer shall do and perform within said city all engineering and surveying, and such other duties pertaining to his office as may hereafter from time to time be prescribed by ordinance, resolution, or order of the city council; he shall, when requested so to do, survey any private lot in said city into as many parts or divisions as may be desired, and put down the necessary stakes; designate, when requested by any person about to build a house or erect a fence, or grade or make a sidewalk, the line of the street, lane, avenue or alley, on which such house or fence is to be erected, or sidewalk made, and also the grade of such street, lane, avenue or alley, and make out and deliver to individuals certificates of all surveys made at their request; and he shall superintend the construction and repairs of all sidewalks in said city, and see that the work is done in accordance with the ordinances relative thereto.

**906. Records.] § 7.** It shall be his duty to provide himself, at the expense of the city, with well-bound books, in which he shall carefully and legibly record and write down every leveling made by him and every grade as established by ordinance, and also every survey made for individuals, giving therein the names of the persons the survey of whose lot is so recorded, and describing, as near as possible, the metes and bounds of the lot, and noting the date on which the survey was made; and such records shall be subject to the inspection of any person who may think himself interested.

**907. Fees of.]** § 8. The said engineer and surveyor shall be entitled to the following fees, to-wit: For surveying every private lot in the city, marking corners and giving certificate thereof, the sum of three dollars; for surveying, marking corners, and giving certificate as above, and subdividing the lot, an additional fee of one dollar for each subdivision; for designating the line or grade of any street, lane, avenue or alley on which any person is desirous of building a house or erecting a fence, grading, or making a sidewalk, or when a sidewalk is ordered by the city council to be made, the sum of fifty cents for each line or grade so designated, the whole of said fees to be paid by the applicant or owner of each lot.

**908. Other Duties.]** § 9. He shall also perform such duties as may be required of him by the commissioner of public works, in the prosecution and construction of such public improvements within the department of public work, as require the skill and experience of a civil engineer.

**909. Bridges and Viaducts—Construction and Repairs—Who to Control.]** § 10. Said engineer shall have charge of the construction and repairing of all bridges owned or controlled by the city within or without its limits, and of all viaducts, and shall at all times co-operate with the commissioner of public works in any and all matters, wherein his assistance, or advice may be required by said commissioner, concerning any matter coming within the said department of public works.

**910. Assistants—Who to Appoint.]** § 11. He shall be allowed one first assistant, to be selected by said engineer at such compensation as the city council may prescribe by ordinance, and such other clerks and subordinate help as the necessities of his office may require, and the council, by ordinance or resolution, shall from time to time authorize him to employ.



**911. Rules and Regulations.]** § 12. He shall make such rules and regulations for the government of his assistants and employes, in the discharge of the duties of his office, as will promote the highest public good, and he shall be responsible for all acts of any employe therein, for and concerning the discharge of any of the duties of his said office, entrusted to their care, skill or judgment.

**912. Reports to be Made Monthly.]** § 13. It shall be the duty of said engineer to make monthly reports to the city treasurer and city comptroller of all moneys received by his office arising from fees, or other official acts, and to pay over to said city treasurer, at such time, all such funds, and he shall also make quarterly report of such matters to the city council, all of which said reports shall be written in detail, and verified by the oath of said engineer.

### ARTICLE III.

#### SUPERINTENDENT OF STREETS.

##### Section.

913. Creation of Office—Appointment—Term.

914. Qualifications.

##### Section.

915. Bond and Oath.

916. Duties of.

**913. Office Established—Superintendent—How Appointed.]** § 1. There is hereby established the office of Superintendent of Streets, which said office shall be filled by appointment of the mayor, by and with the advice and consent of the city council at their first regular meeting in the month of May, A. D. 1892, who shall hold his office for the period of one year, and until his successor is appointed and qualified.

**914. Qualification of.]** § 2. No person shall be eligible to appointment to said office who is not a resident of the city of Peoria and a citizen of the United States.

**915. Bond and Oath.]** § 3. Before entering upon the duties of his office the superintendent of streets shall execute a bond to the city of Peoria in the sum of two thousand dol-

lars, with two or more sureties thereon, to be approved by the city council, conditioned for the faithful performance of the duties of his office, and shall take and subscribe the oath prescribed by law for city officers.

**916. Duties of.]** § 4. The superintendent of streets shall perform such duties as may be required of him by the commissioner of public works <sup>and the city engineer</sup> in any matters within said commissioner's department. He shall, subject to the directions of said commissioner <sup>and city engineer</sup>, take charge of the cleaning of all streets, avenues, alleys or other public places, done by the city, and paid for out of the general fund. He shall also, subject to the directions of said commissioner, have charge of the cleaning or flushing of the public sewers and drains in said city, the cost of which is to be paid for by the city, and it shall be his duty to keep the time of all persons employed under him, in the performance of such work, and a record of all expenses incurred therewith, and report the same in writing, verified by oath, to said commissioner or other proper department of the city government. He shall perform such other and further duties as may from time to time be required, by the ordinances of said city.

Amended by #1207  
passed Aug 17 1897

## CHAPTER V.

# LAW DEPARTMENT.

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### ARTICLE I.

#### CITY ATTORNEY.

## Section.

917. City Attorney—Bond.

918. Duties of.

919. May Dismiss Prosecution—When.

920. May Appeal Case from Inferior Court  
—When.

921. Issue Executions—When.

## Section.

922. Collect and Pay Over Fines.

923. Officers to Furnish Certified Copies on  
Request.

924. Shall Keep Docket.

925. Annual Report.

926. Ordinance Necessary—Shall Recom-  
mend.

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**917. City Attorney—Bond.] § 1.** The city attorney shall, before entering upon the duties of his office, execute and deliver to the city of Peoria a good and sufficient bond in the penal sum of one thousand dollars, to be approved by the city council, conditioned for the faithful performance of the duties of his office as prescribed by the laws of Illinois, and the ordinances of the city of Peoria.

**918. Duties of.] § 2.** The city attorney shall be the legal adviser of the city. He shall draw such ordinances as may be required of him by the city council, or any committee thereof.

He shall draw all leases, deeds, contracts or other legal documents or papers, when so required by the head of the department to which said documents properly pertain.

He shall, when required, advise the city council, or any city officer, on all matters of law, in which the interests of the city are involved, and he may, when he considers the question, or

matters propounded to be of sufficient importance, require them to be submitted to him in writing, and, in such cases, his answer shall also be in writing.

He shall prosecute or defend, as the case may be, on behalf of the city, all cases in which the interests of the city are involved.

He shall take charge of the prosecution of all actions for violation of the city ordinances, and shall conduct all proceedings thereon in the courts in which they are originally brought, and in the courts to which they may be appealed; such prosecutions shall be instituted by him, when instructed to do so by the mayor, city council, superintendent of police, or the chief officer of any department of the city government, or upon the complaint of any person, when, in his judgment, the public interests shall require that the same be prosecuted.

He shall keep his office at such place as may be prescribed by the city council, and shall attend there for the transaction of the business of his office. His office hours shall be the same as other officers of the city.

**919. May Dismiss Prosecution—When.]** § 3. He shall not be required to prosecute any action arising from the violation of any of the ordinances of the city, when, upon investigation of the same, he shall be satisfied that the complaint was instituted maliciously or vexatiously, and without probable cause, and he shall have power to discontinue or dismiss any suit or proceeding upon such terms as he may deem equitable, when he considers that the public interest will be subserved thereby.

**920. May Appeal Case from Inferior Court.]** § 4. He may take an appeal from the judgment of any inferior court, or justice of the peace to the county, or circuit court of Peoria county, where judgment below has been rendered against the city, when, in his opinion, the public interest may require such appeal.

**921. Issue Executions—When.] § 5.** He shall cause executions to be issued on all judgments recovered in favor of said city and see to their prompt collection. He shall examine all fee bills of court officers against the city, and certify to the correctness of the same, and the liability of the city therefor.

**922. Collect and Pay Over Fines, Etc.] § 6.** He shall direct such proceedings as may be necessary to collect, as far as possible, all fines, penalties or judgments in favor of the city, and shall promptly pay into the city treasury all money collected by him, and in all appealed cases where judgment shall be rendered in favor of the city, in the court to which the appeal has been taken, or where such appeal may be dismissed for want of prosecution or other cause, he shall collect, as far as may be, all such judgments in favor of the city. And when necessary to enforce any of the legal rights of the city, shall institute suit upon the appeal bond given in any particular case.

**923. Officers to Furnish Certified Copies on Request.] § 7.** Whenever the city attorney shall require it, any city officer shall furnish him with a certified copy of any papers, contracts or other documents which he may require in prosecuting or defending any suit, or which he may need for any other purpose connected with the proper transaction of the duties of his office.

**924. Shall Keep Docket.] § 8.** It shall be the duty of said attorney to keep, in a suitable book, properly indexed, to be provided by the city for that purpose, a record of all written opinions given by him to said city or its officials; and he shall also keep a register of all actions in courts of record prosecuted or defended by him, in which the city was a party, and of the various proceedings in connection therewith. Upon the expiration of his term of office he shall deliver to his successor in office the said book and register, together with all contracts, bonds or other papers in his possession belonging to the city or appertaining to said office.



**925. Annual Report.]** § 9. Said attorney shall annually, on or before the first of February of each year and oftener, if requested, furnish the city council a detailed statement of all suits instituted and pending in the courts of record wherein the city of Peoria is plaintiff or defendant. In said report he shall state the names of the parties to the suits, the date of their commencement, the nature thereof, and the several steps taken by him to bring the same to final issue; and he shall also give a list of all cases disposed of during his term of office and subsequent to his last report, with such explanatory remarks as he may think proper to add thereto, to the end that the council may be kept fully advised as to the legal affairs of the city.

**926. Ordinances Necessary—Shall Recommend.]** § 10. He shall from time to time recommend to the city council the passage of such ordinances as may be necessary, in his judgment, to prevent crime, and to maintain the police regulations of the city.

## CHAPTER VI.

## THE DEPARTMENT OF HEALTH.

## Article

- I. The Board of Health.  
 II. The Commissioner of Health.

## Article

- III. The Food Inspector.

## ARTICLE I.

## THE BOARD OF HEALTH.

## Section.

927. Department Created.  
 928. Board of Health.  
 929. Rules and Regulations.  
 930. Powers of Board.  
 931. Jurisdiction—Territory.  
 932. Contagious Diseases.

## Section.

933. Boats—Quarantine.  
 934. May Enter House.  
 935. May Destroy Infected Clothing.  
 936. Orders—Violation—Penalty.  
 937. Expenses—How Paid.  
 938. Report to Council.

**927. Department Created.]** § 1. There is hereby established an executive department of the municipal government of the city of Peoria, which shall be known as the Department of Health, and shall embrace the mayor, the superintendent of police, the commissioner of health, and the food inspector.

**928. Board of Health.]** § 2. There shall be a Board of Health, consisting of the mayor, the superintendent of police and commissioner of health, which board shall hold monthly meetings in the city council chamber, at such time as they may determine by vote. The city clerk shall be the clerk of said board, and shall keep minutes of their proceedings

in a suitable book to be provided by the city for that purpose. Special meetings may be called by any member of the board. A majority of the board shall constitute a quorum for the transaction of business.

**929. Rules and Regulations.] § 3.** The board of health may make such rules and regulations, not in conflict with the laws of the state, or the ordinances of the city, as they may deem necessary for keeping the city in the best possible sanitary condition, for the proper inspection of all food products kept or offered for sale within the city; and, for the execution of the powers and duties conferred upon said board by ordinance, or by the laws of the state.

**930. Powers of Board.] § 4.** Said board shall exercise a general supervision over the health of the city, with full power to take all steps and use all measures necessary to promote the cleanliness and salubrity thereof; to abate nuisances of every description on public and private property; to prevent the introduction into the city of malignant or infectious diseases, and to remove or otherwise dispose of any person attacked by any such disease, and to adopt in reference to such person any regulations, restrictions or measures deemed advisable, and to establish rules and regulations for the general health of the city. The said board of health is hereby invested with and shall have and exercise concurrent jurisdiction with the city council of said city, to define and declare what shall be deemed nuisances detrimental to the public health, and to authorize the summary abatement thereof, and shall have the supervision of the food inspector, and of the inspection of all food kept or offered for sale within the city.

**931. Jurisdiction—Territory.] § 5.** That the jurisdiction of the board of health shall extend one-half mile beyond the limits of the city, and all ordinances of the city, and rules and regulations of the board of health, relating to the public

health, and the abatement of nuisances, shall apply and be in force over the territory adjoining the limits of the city, and for one-half mile beyond the limits of the city, whether it is so expressed in any such ordinance or not.

**932. Contagious Disease—Power.]** § 6. Said board of health shall have power, when any dangerous, contagious or infectious disease exists in any locality or house within the city, or within one-half mile beyond the limits of the city, to remove the person or persons diseased to the pest house or hospital, and to take any other action said board may deem necessary for the prevention of the spread of such disease.

**933. Boats—Quarantine.]** § 7. That said board shall have power to compel all boats, vessels and water-craft to perform quarantine for such time, not exceeding thirty days, as the board may determine; and in case the person in charge of such boat, vessel or water-craft shall fail or refuse to comply with the order of the board requiring the removal of the same, the commissioner of health shall have power to call to his aid and assistance the entire police force of the city, and remove the boat, vessel or water-craft to the place assigned by the board, and require the person in charge thereof to thoroughly cleanse and fumigate the boat, vessel or water craft so removed.

**934. May Enter House—Penalty]** § 8. The board of health, and any member thereof, are and is hereby authorized and empowered at any and all times, to enter all houses and other places in said city and within one-half mile of the boundaries thereof, in the discharge of any duty imposed upon them by the law or the ordinances of said city, whenever, in their judgment, the public interests require them so to do; and any person who shall interrupt, interfere with, or prevent them from complying with this section shall forfeit and pay not less than five dollars, nor more than fifty dollars, for every offense.

**935. May Destroy Infected Clothing.]** § 9. Said board shall cause any wearing apparel, bedding or other thing, which they may deem infectious, or likely to endanger the public health and safety, to be removed beyond the city limits and destroyed.

**936. Orders—Violation—Penalty.]** § 10. All orders and sanitary regulations of the board of health shall be obeyed by all persons in the city, and whoever shall refuse, or neglect to obey any such order or regulation shall, for every such offense, be subject to a fine of not less than five dollars, nor more than fifty dollars.

**937. Expenses—How Paid.]** § 11. All bills, or accounts, for expenses incurred by the board of health, the commissioner of health, or the food inspector under the direction of the board of health, shall be presented to the mayor for his approval, and if found correct, he shall certify the same to the city council for allowance. The city clerk, as clerk of said board, shall keep a record of all the disbursements made on account of the health department. *Provided*, that said board of health shall not have authority to incur any expense in excess of the appropriation for that purpose previously made, without the authority of the city council first had and obtained.

**938. Report to Council.]** § 12. Said board shall from time to time recommend to the city council such measures as it may deem necessary to promote and secure the health of the city, and to prevent the introduction and spread of dangerous contagious, malignant and infectious diseases; and said board shall yearly, on or before the first day of February, report to the city council a full and accurate statement of all expenses incurred in the discharge of its sanitary duties, and said board and the commissioner of health shall at the same time make a detailed statement of their operations for the preceding year, with such suggestions and recommendations as they may deem fit and proper.



## ARTICLE II.

## THE COMMISSIONER OF HEALTH.

## Section.

- 939. Commissioner—Term of Office.
- 940. Appointment of Commissioner.
- 941. Qualifications—Bond.
- 942. Sanitary Control.
- 943. Advice—Contagious Disease.
- 944. Nuisances—Duties and Powers.
- 945. Nuisances—Abatement of.
- 946. Contagious Disease—Notice—Penalty  
for Removal.

## Section.

- 947. Contagious Disease—Care of Patient.
- 948. Record of Births, Etc.
- 949. Births—Return of—Penalty.
- 950. Burial Permit—Penalty.
- 951. Burial Permit—Application for.
- 952. Monthly Report—Register—Certificates  
to be Sent to County Clerk.

**939. Commissioner—Term of Office.] § 1.** There is hereby created the office of commissioner of health, who shall be the chief executive officer of said department of health, and shall have the supervision and management of all matters and things pertaining thereto. He shall hold his office for the term of two years, and until his successor shall be appointed and qualified.

**940. Appointment of Commissioner.] § 2.** Said commissioner shall be appointed by the mayor, by and with the advice and consent of the city council, on the first Tuesday in May, 1892, or as soon thereafter as may be, which appointment shall be for one year, and until his successor is appointed and qualified; and thereafter the appointment shall be made on the first Tuesday in May, 1893, or as soon thereafter as may be, and biennially thereafter.

**941. Qualifications—Bond.] § 3.** Said commissioner of health shall be regularly registered and authorized under the laws of the State of Illinois to practice medicine, and in good standing in his profession, and before entering upon his duties shall execute a bond to the City of Peoria in the sum of five thousand dollars, with sureties to be approved by the city council, conditioned for the faithful performance of the duties of such office.

**942. Sanitary Control.]** § 4. Said commissioner shall have and exercise a general supervision over the sanitary condition of the city, and the inspection of food, and he shall see that all regulations and orders of the board of health relative thereto are obeyed and enforced.

**943. Advice—Contagious Disease.]** § 5. The commissioner of health shall give to the mayor and other city authorities, all such professional advice and information as they may require, with a view to the preservation of the public health, and for the prevention of the sale for food of any article unfit therefor; and whenever he shall hear of the existence of any malignant, contagious, infectious or pestilential disease, he shall immediately investigate the same and adopt measures to arrest its progress, and shall report the same to the board of health.

**944. Nuisances—Duties and Powers.]** § 6. It shall be the duty of the commissioner of health to enforce all the laws of the State, and ordinances of the city, in relation to the sanitary regulations of the city, and to cause all nuisances, so declared to be by law, or the ordinances of the city, or the regulations of the board of health, to be abated with all reasonable promptness.

**945. Nuisances—Abatement of—Penalty.]** § 7. It shall be the duty of the commissioner of health to serve or cause to be served a notice, in writing, upon the owner, occupant or agent of any lot, building or premises in, or upon which any nuisance may be found, or who may be the owner or cause of such nuisance, requiring them to abate the same in such manner as he shall prescribe, within a reasonable time to be stated in such notice: *Provided*, that it shall not be necessary in any case for said commissioner to specify in his notice the manner in which any nuisance shall be abated, unless he shall deem it advisable so to do; and, such notice may

be given or served by any officer who may be directed or deputed to give or make the same; and, if such owner, occupant or agent shall neglect or refuse to comply with the requirements of such order within the time specified, they shall be subject to a fine of not less than five dollars, nor more than fifty dollars for every such violation, and each and every day which any such owner, occupant or agent shall neglect or refuse to comply with the requirements of any such order after the expiration of the time specified in any such notice, shall be deemed and taken as a separate and distinct violation of this section, and it shall be the duty of said officer to proceed at once, upon the expiration of the time specified in such notice, to cause such nuisance to be abated; and, provided further, that whenever the owner, occupant or agent of premises, in or upon which any nuisance may be found, is unknown or cannot be found, the said commissioner shall proceed to abate the same without notice; and, in either case the expense of such abatement shall be collected from the person who may have created, continued and suffered such nuisance to exist.

**946. Contagious Disease—Notice to be Given—Penalty for Removal.]** § 8. It shall be the further duty of the commissioner of health to visit and examine, or cause to be visited and examined, all sick persons who shall be reported to him as laboring, or supposed to be laboring, under any contagious, infectious, pestilential or epidemic disease, and such commissioner shall cause a notice, or notices, printed or written in large letters, to be placed upon or near any house in which any person may be affected or sick with any such contagious, infectious, pestilential or epidemic disease, upon which shall be written or printed, the name of the disease with which such person is affected; and if any person or persons shall deface, alter, mutilate, destroy or tear down such notice, without the permission of the commissioner of health, such person, or persons shall be liable for each offense to pay a fine of not less than five dollars, nor more than fifty dollars; the occupant of

any house upon which such notice shall be placed or posted, as aforesaid, shall be responsible for the removal of the same, and if the same shall be removed without the permission of the commissioner of health, such occupant shall be subject to a like fine of not less than five dollars, nor more than fifty dollars, unless he shall notify the commissioner of health within twenty-four hours after the removal of said notice.

**947. Contagious Disease—Care of Patients.] § 9.** That the commissioner of health, upon the consent of the board of health, shall, when he deems it advisable, cause any person within the city, having any contagious, infectious or pestilential disease, to be removed to the pest house, hospital, or to some other safe and proper place, where danger from contagion will be avoided, and shall provide suitable medical and other attendance for such person, at the expense of the person infected, if able to pay the same, and if not, at the expense of the city: *Provided*, that if such person, being a resident of the city, shall refuse to be removed, or if his condition be such that, in the opinion of his attending physician, removal would be attended with danger to his life, then such measures shall be taken by the commissioner of health as may be deemed most advisable to prevent the spreading of the pestilence.

**948. Record of Births, Etc.] § 10.** It shall be the duty of the commissioner of health to establish and keep an accurate register of births, deaths and interments, occurring in the city for the purpose of legal and genealogical investigation, and to furnish facts for statistical, scientific and sanitary inquiries, and to issue all burial permits.

**949. Births—Return of—Penalty.] § 11.** It shall be the duty of every physician and midwife, to report to the commissioner of health of the city, on or before the first day of each and every month, the births of all children, delivered by him or her during the month preceding, which reports of births shall

be made in conformity with the rules and regulations of the state board of health of this State; and in case there be no attendant physician, or midwife at any birth within the city, then it shall be the duty of every resident householder where such birth shall occur to make such return; and every physician, midwife or householder who shall neglect or refuse to make the report herein required within thirty days from the time of any such birth shall be subject to a penalty of ten dollars for every such offense.

**950. Burial Permit—Penalty.]** § 12. No burial, interment or cremation of any human body shall take place in, or from, the city of Peoria, nor shall the dead body of any person be removed from said city of Peoria, without a permit for such burial or removal shall have been first procured from the commissioner of health, in the manner hereinafter provided; and, any undertaker, sexton or other person engaged or concerned in any burial, interment or cremation, contrary to the provisions hereof, or who shall forge the name of any physician, coroner, or other person to a certificate of death, or burial permit, and the officers or employes of any transportation company, or any other person, or persons engaged in the removal of any dead body from said city, contrary to the provisions hereof, shall, upon conviction, be fined not less than ten dollars, for each such offense.

**951. Burial Permit—Application for.]** § 13. Any person, applying for a burial permit, shall file with the commissioner of health a certificate, in writing, signed by the attending physician, or, if there be an inquest, signed by the coroner, such as is required by the rules and regulations of the state board of health of the State of Illinois; and if there be no attending physician and no inquest, then the commissioner of health, shall investigate the cause and circumstances of such death, and if satisfied thereof, make such certificate, or otherwise refer the same to the coroner for investigation. Upon



the filing of such certificate, the commissioner of health shall issue a burial permit therefor, but under no other circumstances whatever. And upon a like certificate said commissioner shall issue a permit to remove a dead body from the city.

**952. Monthly Report—Register—Certificate of Births and Deaths Sent to County Clerk.]** § 14. Said commissioner of health shall enter in a suitable book, to be kept in his office for that purpose, a register of all permits so issued, specifying the date of issue, and to whom issued, together with all the items of information contained in the certificate upon which such permits were issued. He shall on the first Monday of each month, submit to the city council a report, in writing, stating the number of burial permits issued, the number of interments in each cemetery, with the cause of death, and such other facts as may be of public interest or benefit; and he shall, at the same time, forward to the county clerk of Peoria county, all of said certificates of births, and deaths received by him during the preceding month.

### ARTICLE III.

#### THE FOOD INSPECTOR

##### Section.

- 953. Food Inspector.
- 954. Appointment.
- 955. Bond.
- 956. Powers and Duties.
- 957. Unwholesome—Seizure and Condemnation.
- 958. May Enter Premises and Examine Food.

##### Section.

- 959. Obstruction—Penalty.
- 960. Power to Arrest.
- 961. Monthly Report to Board of Health.
- 962. Dairies—Inspection of.
- 963. Sale of Unwholesome Food—Penalty.
- 964. Meats to be Inspected—Penalty.

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**953. Food Inspector.]** § 1. There is hereby created the office of food inspector, who shall make all inspections of all substances and materials used for human food. He shall hold his office for the term of two years and until his successor is appointed and qualified.

**954. Appointment.]** § 2. Said food inspector shall be appointed by the mayor, by and with the advice and consent of the city council, on the first Tuesday in May, 1892, or as soon thereafter as may be, which appointment shall be for the term of one year and until his successor is appointed and qualified; and thereafter the appointment shall be made on the first Tuesday in May, 1893, or as soon thereafter as may be, and biennially thereafter.

**955. Bond.]** § 3. Said food inspector shall, before entering upon the duties of the office, execute a bond to the city of Peoria, in the sum of three thousand dollars, with sureties to be approved by the city council, conditioned for the faithful performance of the duties of his office.

**956. Powers and Duties.]** § 4. Said inspector shall have the power, and it shall be his duty to inspect all slaughter houses, stalls, shops and places of business where meat, game, fish, milk, vegetables, or other substances, or material for human food are kept stored or for sale, and to require the owners to keep such places in a clean, wholesome condition; he shall inspect all cattle, meat, game, fish, fowls, milk, vegetables, and other substances and material used for human food, and shall prevent the sale for food of the flesh of any unsound, diseased or crippled animal, or animal overheated when killed, or of any animal, fish, bird, or fowl that may have died of disease or by accident, and he shall prevent the sale for food of any substance or material which is in his opinion unwholesome and unfit for use as human food, or adulterated, or in a condition, or of a quality, in any ordinance or section of any ordinance of the city, condemned or forbidden.

**957. Unwholesome—Seizure and Condemnation.]** § 5. When any cattle, meat, fish, fowls, milk, vegetable, or other substance, or material used for human food, is found upon inspection to be tainted, diseased, corrupted, or unwholesome

from any cause, and unfit for human food, or adulterated, or in a condition, or of a quality, in any ordinance of the city condemned or forbidden, said food inspector shall seize the same and cause it to be destroyed or disposed of, otherwise than as food: *Provided*, however, that if the owner of the property seized, shall at the time of the seizure notify said food inspector, in writing, of his desire to appeal to the commissioner of health, said inspector shall cause said property, so seized, to be inspected by the commissioner of health, and if said commissioner of health shall find the same tainted, diseased, corrupted or unwholesome and unfit for food, or adulterated, or in a condition, or of a quality in any ordinance of the city forbidden, said commissioner of health shall order the same to be destroyed or disposed of, otherwise than for human food; but if said commissioner of health shall not so find, the same shall be forthwith returned to the owner. All money received for property disposed of as aforesaid shall, after deducting all necessary expenses incurred by reason of such seizure, be paid to the owner of the property seized.

**958. May Enter Premises and Examine Food.] § 6.** Said food inspector shall be authorized and allowed, in the proper discharge of his duties, at all times, to enter into any grocery store, meat shop, hotel, boarding house, saloon, stable or other building within the city, and no butcher, milk dealer, green grocer, fruit dealer or other person dealing in any substance or material used for human food, shall refuse to allow the food inspector, or the commissioner of health, to fully inspect any and all substances and materials held, offered or intended for sale, and shall answer all reasonable and proper questions asked by such person, or persons relative to the condition thereof, place where such substances and materials were procured and of whom. The fact of such substances and materials being found in the possession or on the premises of any aforesaid dealer, shall be deemed sufficient evidence that such substances and materials are held for sale.

**959. Obstruction—Penalty.]** § 7. Whoever shall directly or indirectly resist, obstruct or otherwise interfere with the food inspector in the discharge of his duties, shall in either case, be subject to a fine of not less than twenty-five dollars, nor more than one hundred dollars, for each such offense.

**960. Power to Arrest.]** § 8. Said food inspector shall have the same power to make arrests as is by ordinance and law conferred upon the regular police of the city, in all cases where any person, or persons shall violate the statutes, ordinances, or rules and regulations, relating to the inspection of food, and the seizure of unwholesome or adulterated food.

**961. Monthly Report to City Council.]** § 9. Said food inspector shall, on or before the tenth day of each and every month, make a detailed report to the city council of all inspections and seizures which he has made during the preceding month.

**962. Dairies—Inspection of.]** § 10. All dairies, including the cows, cow stables, milk houses and milk vessels, the owner, or owners of which offer milk for sale within the corporate limits of the city, shall be subject to inspection by the food inspector, who shall require the same to be kept in a clean, wholesome condition. Said inspector may enter any place where milk is sold or kept for sale, and all carriages or vehicles used in the conveyance of milk within the city, and whenever he has reason to believe milk found therein, to be impure or adulterated, he shall take a specimen thereof and subject the same to a satisfactory test, or if the board of health shall direct, to a chemical analysis, the result of which the commissioner of health shall record and preserve as evidence, and a certificate of such result, sworn to by the analyzer, shall be admissible in evidence in all prosecutions under this chapter.

**963. Sale of Unwholesome Food—Penalty.]** § 11. Any person, who shall bring into the city with intent to sell the

same for human food, or who shall sell, expose, or offer for sale within the city for human food, any sick, diseased, unsound, or crippled animal, fish, bird or fowl, or the flesh thereof, or the flesh of any animal, fish, bird or fowl, that may have died of any disease or accident, or which was in an overheated or feverish condition when killed, or any blown, cased, plaited, raised, stuffed, putrid, impure or unwholesome meat, or the flesh of any calf, pig or lamb under four weeks old, or the flesh of any animal so far advanced in pregnancy as to make the meat unfit for food, or the flesh of any horse, bull, boar, ram, dog, or cat, or the flesh of any animal not commonly known, or used as, or deemed wholesome or fit for food, or any stale, unsound, damaged or unwholesome vegetables, fruit, bread, flour or other article of provisions or substance or material used for human food, or any milk adulterated with water or other substance, or milk from diseased cows, or from cows fed upon slop, swill or garbage, or milk from cows for the most part kept tied up in stables, or any butter, or cheese made from any such milk, or any adulterated bread, butter, lard, cheese, or other article or substance used for human food, shall, upon conviction, be fined not less than ten dollars, nor more than two hundred dollars, for each and every such offense: *Provided*, that each and every sale or offering or exposing to sale of said unsound, unwholesome or adulterated article, as aforesaid, shall constitute a separate and distinct offense under this section: *Provided*, also, that all articles exhibited or kept at any place within the city where such articles are usually kept for sale, whether the same be sold or not, shall be deemed an exposure for sale within the meaning of this section: And, *Provided*, further, such offender shall forfeit any license or permit he may hold from the city for dealing in articles of food within the city.

**964. Meat to be Inspected—Penalty.] § 12.** It shall be unlawful for any person to sell, expose, or offer for sale,



for human food, within the said city, the flesh of any animal, unless the same has been previously inspected and approved by the food inspector of said city as wholesome and fit for human food, and any person violating this section shall upon conviction be fined not less than twenty-five dollars, nor more than two hundred dollars, for every such offense.

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## CHAPTER VII.

# BOARD OF POLICE AND FIRE COMMISSIONERS.

### Section.

- 965. Department Created.
- 966. Powers and Duties of Board.
- 967. Removals for Cause Only—Notice—Hearing.
- 968. Removals—How Made.
- 969. Right of Appeal—Record to Follow—Where to be Filed.

### Section.

- 970. Appeal--Decision of Council on, Final—How Made.
- 971. Final Result—Person Accused—Re-instatement of.
- 972. Separate Record—Board to Keep.
- 973. City Clerk to Act as Secretary of Board—When.

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**965. Department Created.]** § 1. There is hereby established an executive department of the municipal government of the city of Peoria, which shall be known as the "Board of Police and Fire Commissioners," which shall be composed of the mayor and two reputable citizens who shall be taken one from each of the two dominant political parties; said board shall be appointed by the mayor, by and with the advice and consent of the city council, on the first Tuesday in May, 1892, or as soon thereafter as may be, which appointment shall be for the period of one year, and until their successors are appointed and qualified and thereafter said board shall be appointed, at the first regular meeting of the city council in May, 1893, and biennially thereafter, and said board shall serve without pay.

**966. Powers and Duties of Board.] § 2.** Said board shall have the appointment of all the subordinate employes and officers of the police and fire departments of the city of Peoria, whose appointment is not otherwise, by ordinance, provided for, and may, for just cause, remove any person so appointed.

**967. Removal for Cause Only--Notice--Hearing.] § 3.** No removal of any appointee from any position mentioned in section 2, of this article, shall be made on account of any political opinion or affiliation whatever, but said board shall have power to remove any member, or officer, so appointed, in either of said departments, upon good and sufficient cause shown, affecting the efficacy, or discipline, of either of said departments. *Provided*, that no such removal shall be made except in the manner hereafter prescribed.

**968. Removals--How Made.] § 4.** Before any person, so appointed, to a position in either of said departments, is removed, or discharged therefrom, specific charges in writing shall be preferred against such person, and filed with some member thereof, and thereupon it shall be the duty of said board, within five days after the filing of said charges, to cause a copy of the same to be served upon the officer, or employe of said department, against whom they are made, and with said copy to cause notice to be given, when a hearing will be given by said board upon said charges, which hearing shall not be earlier than three days after the service of such notice, nor later than ten days after the filing of such charges with said board, said notice shall also fix the hour and place where said hearing will be had: *Provided*, that said board may, on their own motion, or for good cause shown, adjourn said hearing, for any time, not exceeding three days at any one time; and provided, further, that no more than one adjournment shall be taken or allowed, for the same cause. Upon the hearing, the said board shall hear all the evidence

offered, touching the specific charges so preferred, and have the same reduced to writing, and on the evidence so taken, decide, and find upon the charges, according to right and justice; and if said charges are, in the opinion of a majority of said board, sustained, it shall immediately remove the person against whom the said charges were preferred, from the service of the department in which he was employed.

**969. Right of Appeal—Record to Follow—Where to be Filed.]** § 5. The person preferring any such charges, and the person against whom they are preferred, shall have the right of appeal from the decision of said board upon any such investigation, to the city council at the next regular meeting thereof, occurring not less than five days after any such decision shall be made, upon filing notice with the secretary of said board that an appeal is desired; and thereupon it shall be the duty of said board to at once transmit to the city clerk all evidence, and other matters in said cause, on which their decision was made. It shall be the duty of the city clerk to receive, and keep from view, or molestation, every such record, so entrusted to his care, and to lay the same before the city council, at the meeting thereof, to which said appeal is taken, and to carefully keep and preserve the same until said appeal is finally heard and disposed of by the city council. Upon the presentation of any such record by the city clerk, the city council shall, not later than the next regular meeting of said council, hear and dispose of said appeal, upon the record as so presented.

**970. Appeal—Decision of Council on, Final—How Made.]** § 6. The record in any such appeal shall be read in full by the clerk, to the city council, and in open meeting of the same, and all such appeals shall be disposed of by the council, in the manner herein provided, and without delay, and upon the review of said record by said council, the question for decision by such body, shall be, "Shall the finding of

the board of police and fire commissioners in this appeal be sustained," upon which question a yea and nay vote shall be ordered, and no member of the city council shall be excused from voting thereon; and in case of a tie vote the question shall be decided in the mannner provided by law, in other cases. The result of such vote shall be conclusive and final of all such matters, and shall be entered in full upon the journal of the proceedings of the city council.

**971. Final Result—Person Accused—Re-instatement of.]** § 7. If upon said final hearing, by the city council, the decision of said board of commissioners, shall not be sustained, the person accused shall be re-instated by said board, without loss of pay, but if said finding shall be sustained by the city council, the person so adjudged, shall be deemed to have been dismissed from the employment of the city, and shall not be entitled to any pay or compensation whatever, from the date of the finding of said board upon any such investigation.

**972. Separate Record—Board to Keep.]** § 8. Said board of police and fire commissioners, shall keep, or cause to be kept, in substantial and well bound books, to be provided by the city for that purpose, separate records of all the appointments, in the police and fire departments of the city, authorized by law, or ordinance, to be made by said board, in which shall be entered in a neat and legible manner, the name of the person appointed, their age and nationality, place of residence and date of such appointment, and to what position, or office any of their said appointments are made. They shall also in like manner keep a record of all investigations, by their board, of all officers, or employes, in each of said departments, appointed by them, and the disposition of the same.

**973. City Clerk to be Secretary of Board—When.]** § 9. Upon investigation by said board, of any charges against any officer, or employe, as aforesaid, in either of said departments, the city clerk of the city of Peoria, shall perform

the duty of secretary to said board, and shall have power to administer oaths to all witnesses, testifying before said board upon any such investigation.

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## CHAPTER VIII.

# THE POLICE DEPARTMENT.

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## Article.

- I. Superintendent of Police.
- II. Captain of Police.
- III. Sergeant of Police.
- IV. Police Matron.

## Article.

- V. Police.
- VI. City Prison.
- VII. House of Correction.

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### ARTICLE I.

#### SUPERINTENDENT OF POLICE.

## Section.

- 974. Department Established.
- 975. Superintendent—Term of.
- 976. Appointment.
- 977. Bond.
- 978. Powers and Duties of.
- 979. Duties of.
- 980. Attend Fires.
- 981. Report to Mayor.
- 982. Custody of City Hall.

## Section.

- 983. Detail Police as Sanitary Officers—When.
- 984. Monthly Reports.
- 985. Records of Office.
- 976. Patrol Wagon and Ambulance—Control of.
- 987. Shall Notify City Attorney of Suits, Etc.
- 988. Annual Estimate to Comptroller.
- 989. Shall Wear Uniform.

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**974. Department Established.] § 1.** There is hereby established in an executive department of the municipal government of the city of Peoria, which shall be known as the police department, and shall embrace one superintendent of police, one captain of police, one sergeant of police, one police matron, and thirty-eight police patrolmen, and such other number of police patrolmen as may hereafter, from time to time, be fixed by the city council.



**975. Superintendent—Term of.]** § 2. There is hereby created the office of superintendent of police of said city. He shall be the chief of the police department and shall hold his office for the term of two years, and until his successor shall be appointed and qualified.

**976. Appointment.]** § 3. The superintendent of police shall be appointed by the mayor, by and with the advice and consent of the city council, on the first Tuesday in May, 1892, or as soon thereafter as may be, which first appointment shall be for the term of one year and until his successor is appointed and qualified; and thereafter said appointment shall be made on the first Tuesday in May, 1893, or as soon thereafter as may be, and biennially thereafter.

**977. Bond.]** § 4. He shall before entering upon the duties of his office, execute a good and sufficient bond to the city of Peoria, in the penal sum of five thousand dollars, with sureties to be approved by the city council, conditioned for the faithful performance of the duties of his office, as prescribed by law and the ordinances of said city.

**978. Powers of.]** § 5. He shall, in subordination to the mayor, have the full management and control of the police department of the city, and all regulations and orders of said department shall be promulgated through him. All subordinate members and officers of said department shall be subject to such rules and regulations as shall, from time to time, be prescribed by said superintendent, with the concurrence of the board of police and fire commissioners.

**979. Duties of.]** § 6. He shall devote his entire time to the discharge of the duties of his office, and shall be charged with the preservation of the peace, order, safety and cleanliness of the city, and to this end he shall execute and enforce all ordinances and police regulations of said city, and orders of the city council and mayor.

**980. Attend fires.]** § 7. He shall be charged with the duty of protecting the rights of persons and property and providing proper police protection at every fire. He shall also take notice of all nuisances and take proper steps to abate the same. He shall cause to be removed all impediments and obstructions in the streets, avenues, alleys and public places of the city, or cause immediate notice thereof to be given to the proper officer whose duty it may be to attend to the same, according to the ordinances of the city.

**981. Report to Board.]** § 8. He shall promptly report in writing to the board of police and fire commissioners any member of the police force who is guilty of drunkenness, neglect of duty, disobedience of orders, violation of the standing rules and regulations of the police department, or other conduct unbecoming an officer, and during the pendency of any formal charges against any subordinate officer of said department, he may suspend such officer from duty until such charges are investigated.

**982. Custody of City Hall.]** § 9. He shall attend, either in person or by deputy, all meetings of the city council, and he shall have the care and custody of the city hall, and shall cause the council chamber to be kept clean and in good order. He shall also serve all warrants, or other legal process, required to be served by him, by law, or ordinance of the city.

**983. Detail Police as Sanitary Officers—When.]** § 10. The superintendent of police shall, when requested by the health department, and directed by the mayor so to do, detail not to exceed two policemen, to act in the capacity of sanitary officers, and when so acting, said officers shall be under the direction and authority of the commissioner of health, and shall act in such capacity as long as required by said health department, or until relieved from said duty by the mayor.

**984. Monthly Report.]** § 11. He shall make monthly reports to the city council, or oftener, if required, in writing,

of the state of the police department, with such statistics and suggestions as he may deem advisable for the improvement of the police force, its discipline and government. Such report shall also show the number of arrests made by the police force during the preceding month, the name of each person arrested, the offence charged, the magistrate before whom tried, the disposition of the case, the amount of fine imposed, if any, and the amount of such fine collected.

**985. Records of Office.] § 12.** He shall have general supervision of all books, records, equipments and other property belonging to the police department, and of stolen goods seized and detained by police authority. Upon the expiration of his term of office, or resignation, or removal therefrom, he shall surrender to the mayor, or his successor in office, all books, records, equipments, property and other effects coming into his possession by virtue of his office.

**986. Patrol Wagon and Ambulance — Control of.] § 13.** He shall have the care and custody, subject to the supervision of the mayor and city council, of the police patrol wagon and city ambulance, together with the horses and equipments pertaining thereto.

**987. Shall Notify City Attorney of Suits, Etc.] § 14.** It shall be the duty of the superintendent of police to cause the city attorney to be informed of any suits instituted by him, or through his department, wherein the interests of the city may require the presence of said attorney at the trial thereof.

**988. Annual Estimate, to Comptroller.] § 15.** The superintendent shall prepare and submit to the comptroller, on or before the first day of January of each year an estimate of the whole cost and expense of providing for and maintaining the department of police of the city during the past fiscal year, which report shall be in detail, and shall be laid by the comptroller, before the city council, at the same time with the comptroller's annual estimate.

**989. Shall Wear Uniform.]** § 16. He shall wear such uniform to be provided at his own expense, as may be designated by the city council, or the rules and regulations of said department, indicative of his relative rank in the police department.

## ARTICLE II.

### CAPTAIN OF POLICE.

#### Section

990. Captain of Police—Term of.

991. Appointment.

992. Bond.

993. Powers and Duties.

#### Section

994. In Absence of Superintendent Shall Perform Duties.

995. Shall Wear Uniform.

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**990. Captain of Police—Term of Office.]** § 1. There is hereby created the office of captain of police of the city of Peoria. The term of said office shall be for two years, and until his successor is appointed and qualified.

**991. Appointment.]** § 2. The captain of police shall be appointed by the mayor, by and with the advice and consent of the city council, on the first Tuesday in May, 1892, or as soon thereafter as may be, which first appointment shall be for the term of one year, and until his successor is appointed and qualified; and thereafter said appointment shall be made on the first Tuesday in May, 1893, or as soon thereafter as may be, and biennially thereafter.

**992. Bond.]** § 3. He shall, before entering upon the duties of his office, execute and deliver to said city a good and sufficient bond, with sureties to be approved by the city council, in the penal sum of three thousand dollars, conditioned for the faithful performance of the duties of his office, as prescribed by the ordinances and the police rules and regulations of said city.

**993. Powers and Duties.]** § 4. He shall be second in command of the police department, in subordination to the

mayor and superintendent of police, and shall have special charge of the police department during the night time, and he shall perform such other and further duties as may be required of him by the mayor, superintendent of police and the rules and regulations of said police department.

**994. In Absence of Superintendent Shall Perform Duties.]** § 5. He shall, in case of the temporary absence or disability of the superintendent of police, possess all the powers, and exercise all the duties of said superintendent.

**995. Shall Wear Uniform.]** § 6. He shall wear such uniform, to be provided at his own expense, as may be designated by the city council, or the rules of said department, indicative of his relative rank in the department.

### ARTICLE III.

#### SERGEANT OF POLICE.

##### Section.

- 996. Sergeant of Police—Term of.
- 997. Appointment.
- 998. Bond.
- 999. Shall Keep Record, Etc.
- 1000. Register of Arrests.

##### Section.

- 1001. Record of Complaints Against Policemen—Custody of Stolen Goods, Etc.
- 1002. Record as to Electric Lights.
- 1003. Reports.
- 1004. Shall Wear Uniform.

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**996. Sergeant of Police—Term of Office.]** § 1. There is hereby created the office of sergeant of police. The term of said office shall be for two years and until his successor is appointed and qualified.

**997. Appointment.]** § 2. The sergeant of police shall be appointed by the mayor, by and with the advice and consent of the city council, on the first Tuesday in May, 1892, or as soon thereafter as may be, which first appointment shall be for the term of one year, and until his successor is appointed and qualified; and thereafter said appointment shall be made on the first Tuesday in May, 1893, or as soon thereafter as may be, and biennially thereafter.



**998. Bond.] § 3.** The sergeant shall, before entering upon the duties of his office, execute a good and sufficient bond to the city of Peoria, in the penal sum of three thousand dollars, with sureties to be approved by the city council, conditioned for the faithful performance of the duties of his office, as prescribed by the ordinances of the said city.

**999. Shall Keep Records, Etc.] § 4.** He shall be the secretary of the police department, and shall, under the direction of the superintendent of police, keep the books, records and accounts of said department. And he shall perform such other and further duties as may be required of him by the mayor, the superintendent of police, or by the rules and regulations of the police department.

**1000. Register of Arrests, Etc.] § 5.** He shall keep a neat and legible record, at all times open for inspection, which shall state the names of persons arrested, and their place of residence, the day and hour of said arrest, the cause of arrest, when and where detained or committed, whether released on bail, when and before whom examined or tried, the finding of the magistrate, the amount of the fine imposed, if any, whether paid or unpaid, if not paid, when and where worked out, term of imprisonment, if any, where imprisoned and when released. If discharged, by whose order and for what cause. Said record to show each day's operations separately.

**1001. Record of Complaints Against Policemen—Custody of Stolen Goods, Etc.] § 6.** He shall also keep a record of complaints against policemen, and of time lost by policemen, of account of moneys received and expended, and for what purposes expended, of suspected persons and places, and of all stolen goods and property seized and retained by police authority, and of any money, property, valuables or weapons taken from the person of any prisoner under arrest, and the disposition of the same and under whose order.

**1002. Record as to Electric Lights.] § 7.** He shall also keep a record of the condition and efficiency of the electric lights of the city each evening, and by whom reported.

**1003. Reports.] § 8.** He shall furnish a detailed written report of the state of the department as shown by his books and records as often as may be required by the board of police and fire commissioners, superintendent of police, mayor, or city council. And at the expiration of his term of office he shall deliver to his successor or other officer designated by the mayor, all books, papers, accounts, documents, and other property coming into his hands by virtue of his official position.

**1004. Shall Wear Uniform.] § 9.** He shall wear such uniform, to be provided at his own expense, as may be designated by the mayor, city council or the police regulations of the city, indicative of his relative rank in the department.

## ARTICLE IV.

### POLICE MATRON.

#### Section.

1005. Police Matron—Term of.

1006. Appointment.

1007. Bond.

#### Section.

1008. Shall Have Charge of Female Prisoners.

1009. Prohibited from Carrying Messages.

**1005. Police Matron—Term of Office.] § 1.** There is hereby created the office of police matron. The term of said office shall be for two years, and until her successor is appointed and qualified.

**1006. Appointment.] § 2.** The police matron shall be appointed by the mayor, by and with the advice and consent of the city council, on the first Tuesday in May, 1892, or as soon thereafter as may be, which appointment shall be for the term of one year and until her successor is appointed and qualified; and thereafter said appointment shall be made on the first Tuesday in May, 1893, or as soon thereafter as may be, and biennially thereafter.

**1007. Bond, Etc.] § 3.** She shall, before entering upon the duties of her office, execute and deliver to said city, a good and sufficient bond in the penal sum of one thousand dollars, with sureties to be approved by the city council, conditioned for the faithful performance of the duties of her office, as prescribed by the ordinances and police rules and regulations of said city. Said police matron shall be subject to the direction and authority of the mayor and superintendent of police at all times, while attending to the duties of her official position.

**1008. Shall Have Charge of Female Prisoners.] § 4.** The police matron shall have charge of all female prisoners in the city prison. She shall make all examinations of the persons and effects of such prisoners, as may be necessary, subject to the direction of the superintendent or captain of police, and turn over to the superintendent of police for safe keeping, all articles that may be taken from the custody of such prisoner. She shall exercise such further supervision over such female prisoners, while they are in custody, as may be necessary, and make such recommendations to her superior officers, in regard to their care and welfare, as she may deem advisable.

**1009. Prohibited From Carrying Messages.] § 5.** The police matron is hereby prohibited from carrying messages, or doing any business for any prisoner, other than is necessary for their temporal welfare, without the special consent of the superintendent or captain of police, in each case requiring the same.

## ARTICLE V.

## POLICEMEN.

## Section.

- 1010. Policemen—Appointment.
- 1011. Bond.
- 1012. Special Policemen—Appointment of.
- 1013. Duties.
- 1014. Powers of Arrest.
- 1015. Serve Warrants, Etc.
- 1016. May Call on Bystander to Assist—  
Refusal—Penalty.

## Section.

- 1017. Give Fire Alarms and Attend Fires.
- 1018. Neglect of Duty, Etc.,—Penalty.
- 1019. Resisting Officer—Penalty.
- 1020. Falsely Impersonating an Officer—  
Penalty.
- 1021. Hackmen, Etc., to Obey Command—  
Penalty.
- 1022. Shall Procure Uniform.
- 1023. Shall Wear Uniform.

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**1010. Police Patrolmen, Etc.—Appointment.] § 1.** Police patrolmen, and all other officers and employes of the police department, whose appointment is not by ordinance otherwise provided for, shall be appointed by the board of police and fire commissioners, and shall hold their office, until removed by said board, under the provisions of, and in the manner provided by the ordinances of the city.

**1011. Bond.] § 2.** Each police patrolman shall, before entering upon the duties of his office, give a bond to the city of Peoria, in the penal sum of one thousand dollars, with such sureties as the city council shall approve, conditioned for the faithful performance of the duties of police patrolmen, as prescribed by the ordinances of said city and the rules and regulations of said department.

**1012. Special Policemen—Appointment of.] § 3.** The mayor may, on special occasions when, in his judgment, it shall be necessary for the preservation of the peace and order of the city, appoint and commission such number of special police patrolmen as he may deem necessary. Said special police patrolmen shall be dismissed as soon as the exigency of their appointment shall no longer exist. And during the term of their appointment, said special police patrolmen shall possess the powers and exercise the duties of regular police

patrolmen and shall receive the same compensation. But the mayor shall, at the next regular meeting of the city council after the appointment of such special police patrolmen lay before the council the names and number of said special police patrolmen so appointed, and the cause therefor, and if the acts of the mayor in making said appointments are not approved and confirmed, said special police patrolmen shall be considered and held to be at once dismissed and discharged.

**1013. Duties.] § 4.** The several members of the police force, when on duty, shall devote their entire time to the proper discharge of their duties, as prescribed by the ordinances of the city, and the rules and regulations of the police department. And it shall be their especial duty to preserve order, peace and quiet, and to enforce the ordinances throughout the city.

**1014. Power of Arrest.] § 5.** The police patrolmen, together with the superintendent of police, captain of police and sergeant of police, shall have power to arrest all persons in the city found in the act of violating any law or ordinance, or aiding or abetting in any such violation, and shall arrest all persons found under suspicious circumstances, and shall take all persons so arrested to the city prison until they can be brought before the proper magistrate or court for trial or examination.

**1015. Serve Warrants, Etc.] § 6.** They shall have power and authority and it shall be their duty, in the city and outside of the same, when necessary and lawful, to serve and execute warrants and other legal papers for the apprehension and commitment of persons charged with the violation of any city ordinance, or any crime, or misdemeanor, or offense against the laws of the city, or state, or held for examination or trial. And they shall also have power and authority, and it shall be their duty to serve and execute any civil process issued by any court in which the city is a party, and while



serving, or executing, or assisting in the service or execution of any such warrant, or process, they shall be vested with and have all the powers and authority conferred on constables at common law and by the laws of this state.

**1016. May Call on Bystander to Assist—Refusal—Penalty.]** § 7. Any police officer of this city may, at any time, call upon any able-bodied male person, above the age of twenty-one years, to aid him in arresting or taking into custody any person guilty of having committed any unlawful act, or charged therewith, or aid such officer in preventing the commission of any unlawful act. And whoever shall refuse or neglect to give such aid or assistance, when so requested, shall be subject to a penalty of not less than three dollars, nor more than twenty-five dollars, for each offense.

**1017. Give Fire Alarms and Attend Fires.]** § 8. It shall be the duty of the police patrolmen to aid the fire department by giving alarms in case of fire, and in clearing the streets, or grounds in the immediate vicinity of the fire, whenever the same shall be necessary, to aid the firemen in the performance of their duties.

**1018. Neglect of Duty, Etc.,—Penalty.]** § 9. Any member of the police force, who shall neglect, or refuse to perform any duty required of him by the ordinances of the city, or the rules and regulations of the police department, or who shall, in the discharge of his official duties, be guilty of any fraud, favoritism, extortion, oppression, or wilful wrong or injustice, shall, in each case, be subject to a fine of not less than five dollars, nor more than one hundred dollars, and shall also be subject to removal from office by the board of police and fire commissioners.

**1019. Resisting Officer—Penalty.]** § 10. Whoever, shall resist any member of the police force, in the discharge of his duty, or shall in any way interfere with, or prevent him from discharging his duty, or shall endeavor to do so; and

whosoever shall, in any manner, assist any person, in the custody of any member of the police force, to escape, or attempt to escape from such custody, or shall attempt to rescue any person in custody, shall be fined not less than five dollars, nor more than one hundred dollars.

**1020. Falsely Impersonating an Officer — Penalty.]**

§ 11. Any person who shall falsely personate any of the members of the police department of this city, or shall maliciously, or with intent to deceive, use or imitate any of the signs, signals or devices used by any officer of said department, or who, not being a police officer shall wear, in public, the police uniform, or shall personate or represent, falsely, that he is a member, or officer of said department, shall be subject to a fine of not less than ten dollars, nor more than one hundred dollars, in each case.

**1021. Hackmen, Etc., to Obey Command of—Penalty.]**

§ 12. Draymen, hackmen, cabmen, omnibus drivers, baggagemen, porters, runners and other persons, when at or about any railroad depot, or other public place in the city, shall obey the commands and directions of the police officer, or officers who may be stationed, or doing duty, at or about such depot, or other public places, for the preservation of order and enforcing the ordinances. Whoever shall refuse to obey the commands and directions of a police officer as aforesaid, shall be subject to a fine of not exceeding ten dollars.

**1022. Shall Procure Uniform.]** § 13. That hereafter the police force of the city of Peoria and each and every member thereof shall, within thirty days after his appointment and qualification, procure at his own cost and expense a uniform. Such uniform shall consist of such articles of clothing, and shall be made in such manner and of such material as may be prescribed by the police regulations, or the mayor of said city. The buttons and insignia of rank of said police force shall be furnished by the city, and remain its property, and

upon the resignation or removal of any member of said police force, he shall surrender the same to the mayor or superintendent of police, or the cost of the same shall be deducted from his pay.

**1023. Shal Wear Uniform.]** § 14. Each and every member of such police force shall at all times wear his uniform when on duty, and any refusal, or neglect on the part of any such member to wear his uniform as herein provided, shall be deemed a good and sufficient cause for his removal.

## ARTICLE VI.

### CITY PRISON.

#### Section.

1024. Established.

1025. Superintendent of Police—Keeper.

1026. Shall Keep Prisoners.

#### Section.

1027. Feed Prisoners,

1028. Record of Prisoners.

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**1024. Established.]** § 1. The apartments in the rear of the police office on the first floor of the city hall, situated on Fulton street on parts of lots one (1) and two (2) in block twelve (12) in the original town of Peoria, now city of Peoria, be, and the same are hereby declared to be the city prison of the city of Peoria, and any buildings and enclosures that may be hereafter erected on any lot or lands purchased, owned or leased by the city of Peoria, for the purpose of a city prison, shall be subject to the conditions and provisions of this article.

**1025. Superintendent of Police—Keeper.]** § 2. The superintendent of police of said city shall be *ex-officio*, the keeper of the same, and shall have the care, custody and charge of the said city prison and all persons committed thereto. And he shall enforce such order and discipline therein as he may deem necessary.

**1026. Shall Keep Prisoners.]** § 3. The superintendent of police shall receive into his custody, and safely keep and confine in said prison, all persons who may be legally committed to his custody or charge by any proper officer, police magistrate, or justice of the peace, until they shall be legally taken or discharged therefrom.

**1027. Feed Prisoners.]** § 4. He shall furnish all persons who may be confined or kept in the city prison under his charge, when the person himself shall not do so, at proper times, suitable, necessary, plain wholesome food and drink and comfortable bedding.

**1028. Record of Prisoners.]** § 5. The sergeant of police shall keep a record in which he shall register the name of each person confined in said prison, the offense charged against such person, the time when, and by what officer committed, the date and manner of discharge, and by what authority discharged.

## ARTICLE VII.

### HOUSE OF CORRECTION.

#### Section.

- 1029. House of Correction—Established.
- 1030. Superintendent—Inspectors—Bonds  
—Duties.
- 1031. Superintendent's Authority.
- 1032. Keep and Work Prisoners.
- 1033. Fines—Paid by Work.
- 1034. Resistance by Prisoners.—Penalty.
- 1035. Obstructing Superintendent or Guard  
—Penalty.

#### Section.

- 1036. Mittimus Delivered to Superintendent.
- 1037. Payment of Fine—Release.
- 1038. Superintendent May Receive Fine—  
Payment to City Treasurer.
- 1039. Quarterly Report.
- 1040. Other Reports.

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**1029. House of Correction—Established.]** § 1. The buildings and enclosures erected and now standing, or that may be erected, upon a part of the northeast quarter of section 3, township 8, north range 8, east of the fourth principal meridian, in the city and county of Peoria, in the State of Illinois, are constituted and established a house of correction for the

said city of Peoria. And any buildings and enclosures, that may be hereafter erected on any lot or lands purchased, owned or leased by the city of Peoria, for the purpose of a house of correction, whether within or without the limits of said city, shall be subject to the conditions and provisions of this article.

**1030. Superintendent — Inspectors — Bond — Duties.]**

§ 2. The superintendent of the house of correction, before assuming the duties of his office, shall execute and deliver to the city of Peoria, a good and sufficient bond with sureties thereon, to be approved by the city council, in the penal sum of ten thousand dollars, conditioned for the faithful performance of the duties of his office, as prescribed by the laws of the State of Illinois, and the ordinances of the city of Peoria. And each inspector of the house of correction shall, before entering upon the duties of his office, execute and deliver to the city of Peoria, a good and sufficient bond with sureties, to be approved by the city council, in the penal sum of one thousand dollars, conditioned for the faithful performance of the duties of his office, as required by the laws of the State of Illinois, and ordinances of the city of Peoria.

**1031. Superintendent's Authority.]** § 3. The said superintendent shall have the custody, rule, charge and keeping of the house of correction, and of all persons committed thereto, under the supervision and direction of the board of inspectors, and he shall enforce such order and discipline as may be required by the rules and regulations prescribed by the board of inspectors.

**1032. Keep and Work Prisoners.]** § 4. It shall be the duty of said superintendent to receive into the said house of correction, and keep such persons as may be committed thereto, by any court, or magistrate of the said city of Peoria, or by any court, or magistrate of any city, county, town or village having a contract with the city of Peoria, for the care of



its prisoners in the said house of correction, and to put every such person so committed, to work at such labor as his or her strength will permit, within or without such house of correction, not to exceed ten hours for each working day.

**1033. Fine—Paid by Work.] § 5.** Every person committed to the said house of correction shall be allowed for each day's work, exclusive of his or her board, the sum of fifty cents, which shall be applied in payment or satisfaction of the fine and costs imposed upon such person.

**1034. Resistance by Prisoner—Penalty.] § 6.** Every person committed to the house of correction shall obey the superintendent, or any guard thereof, in all his lawful commands, and shall not molest, or hinder him in the discharge of his duty, and shall not escape, or attempt to escape, or assist others to escape, or attempt to escape therefrom, or destroy, or injure any property appertaining to the house of correction, and shall not violate any of the rules of said house of correction. Any person violating any of the provisions of this section shall be fined not exceeding one hundred dollars.

**1035. Obstructing Superintendent or Guard—Penalty.] § 7.** It shall be lawful for the superintendent of the house of correction, or any guard thereof, and it is hereby made his duty to arrest, or cause to be arrested, and taken before a justice of the peace, every person who shall molest or in any manner interfere with the said superintendent, or with any person in his custody or charge, as a prisoner, while in the discharge of his duty, either in the house of correction, or elsewhere; and any person who shall so molest, or interfere with the superintendent of the house of correction, or person in his custody or charge, shall be fined any sum not exceeding fifty dollars.

**1036. Mittimus Delivered to Superintendent.] § 8.** It shall be the duty of all members of the police force of the

city of Peoria, delivering any person to the house of correction, to deliver to the superintendent the mittimus or execution, by virtue of which said person was committed.

**1037. Payment of Fine—Release.]** § 9. No person shall be released from the house of correction by the superintendent thereof, except upon the satisfaction of the fine, or by an order of the mayor, or other authority. He shall, only, release prisoners received, by virtue of a contract with any county, village or town, by expiration of sentence, by order of the board of village trustees, or other authority.

**1038. Superintendent May Receive Fine—Payment to City Treasurer.]** § 10. The said superintendent is, also, hereby authorized to accept the fine imposed upon any prisoner committed to the house of correction, whenever the same shall be tendered to him; and all fines so received by him shall be paid over to the city treasurer within thirty days thereafter.

**1039. Quarterly Report.]** § 11. It shall be the duty of the superintendent of the house of correction to make out and deliver to the city council on the first day of each quarter, or oftener if required by the city council, a statement in writing, duly sworn to, showing the names of all persons who have been confined in the house of correction during the past quarter, the number of days of their several confinements during said quarter, the date of their committal, and the names of all persons discharged or released during said quarter, and by what authority they were discharged or released, and the amount of fines collected, when, and by whom paid.

**1040. Other Reports.]** § 12. The said superintendent shall make out and deliver a like quarterly statement as called for in the preceding section to any city, county, town or village that may commit their prisoners to said house of correction by virtue of a contract with the city of Peoria.

## CHAPTER IX

# FIRE DEPARTMENT.

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Article.

- I. Fire Department.
- II. Fire Marshal.
- III. Assistant Fire Marshal

Article.

- IV. City Electrician.
  - V. Firemen.
  - VI. Miscellaneous Provision.
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### ARTICLE I.

#### FIRE DEPARTMENT.

Section.

1041. Fire Department Created.

**1041. Fire Department Created.] § 1.** There is hereby established an executive department of the municipal government of the city of Peoria which shall be known as the fire department, and shall embrace one fire marshal, one assistant fire marshal, one city electrician and such number of engineers, firemen, pipemen, drivers, hosemen, truckmen and other employes, as the city council may, from time to time, by ordinance or resolution provide.

## ARTICLE II.

## FIRE MARSHAL.

## Section.

- 1042. Fire Marshal—Office Created—Term.
- 1043. Appointment.
- 1044. Bond.
- 1045. Control of Fire Depttment.
- 1046. Custody of Apparatus.
- 1047. Examinations of Apparatus—Report.
- 1048. Shall Keep Apparatus in Repair.
- 1049. Attend Fires.
- 1050. Shall Prefer Charges—May Suspend Subordinate.

## Section.

- 1051. Record of Employes.
- 1052. Record of Fires, etc.
- 1053. Yearly Estimate.
- 1054. May Remove Property at Fire.
- 1055. May Destroy Buildings.
- 1056. To Enforce Ordinances.
- 1057. Shall Wear Uniform.
- 1058. Turn Over Property to Successor.

**1042. Fire Marshal—Office Created—Term.] § 1.**

There is hereby created the office of fire marshal of the city of Peoria, who shall hold his office for the term of two years, and until his successor is appointed and qualified.

**1043. Appointment.] § 2.** The fire marshal shall be appointed by the mayor, by and with the advice and consent of the city council, on the first Tuesday in May, 1892, or as soon thereafter as may be, which first appointment shall be for one year, and until his succesor is appointed and qualified; and thereafter said appointment shall be made on the first Tuesday in May, 1893, or as soon thereafter as may be, and biennially thereafter.

**1044. Bond.] § 3.** Said marshal shall, before entering upon the duties of his office, execute and deliver to the City of Peoria, a good and sufficient, bond with sureties thereon, to be approved by the city council, in the penal sum of five thousand dollars, conditioned for the faithful performance of the duties of his office, as prescribed by the ordinances of said city, and rules and regulations of said department.

**1045. Control of Fire Department.] § 4.** Said marshal shall be the head of the fire department, and shall have full control over the same, and over all the members thereof, while in the line of their duty, subject to the control

and supervision of the board of police and fire commissioners, and said board may, from time to time, prescribe and establish such rules and regulations as it may deem proper, for the government of the fire department, and members thereof.

**1046. Custody of Apparatus.] § 5.** The said marshal shall have the custody of the engines, hose carts, trucks, ladders, horses, telgraph lines, hose house, and all buildings belonging, or pertaining to said fire department, and all other property and equipments belonging, or appertaining to the fire department.

**1047. Examinations of Apparatus—Report.] § 6.** The said marshal shall, at least twice a year, examine into the conditions of the fire engines, hose carts, hooks and ladders, wagons, trucks and all other fire apparatus, and engine houses, and report the same to the city council within ten days after said examination, together with any recommendations, that he may deem proper to make for the good of the department.

**1048. Shall Keep Apparatus in Repair.] § 7.** He shall keep himself fully informed on the condition and efficiency of the fire engines, hose carts, trucks, hooks and ladders and all other property or apparatus belonging to the department. And whenever any of said apparatus shall require alterations, or repairs, he shall cause the same to be done under his supervision and direction.

**1049. Attend Fires.] § 8.** He shall attend all fires occurring within the city, and take command of the department at such fire, and see that the several members of the fire department faithfully perform their respective duties.

**1050. Shall Prefer Charges—May Suspend Subordinates.] § 9.** He may, either upon his own knowledge, or upon information communicated to him by others, prefer formal charges to the board of police and fire commissioners, against any member of the fire department for incompetency, neglect of duty, disobedience of orders, or violation of any of,



the standing rules and regulations of said department. And he may also, pending such charges, suspend such member from duty, and such suspension shall continue in force until the charges can be investigated by said board.

**1051. Record of Employees.]** § 10. Said marshal shall keep in a book, to be provided for that purpose, a full and accurate record of all the members of the department, showing the date of their appointment and discharge, together with their rate of pay and amount due them, and shall report the same at the end of each month, to the city comptroller.

**1052. Record of Fires, Etc.]** § 11. He shall also keep an accurate list of all fires occurring in said city, the date and location of each fire, the name of the owner of the property destroyed, the cause of the fire, if known, the loss incurred thereby, the amount of insurance, and such other information as he may deem important to the city.

**1053. Yearly Estimates.]** § 12. He shall prepare and submit to the comptroller, on or before the first day of January in each year, an estimate of the whole cost and expense of providing for and maintaining the fire department of said city during the coming year, which estimate shall be in detail, and shall be laid by said comptroller before the city council, with his annual estimates.

**1054. May Remove Property at Fires.]** § 13. He shall have power to cause the removal of any property whenever it shall become necessary for the preservation of such property from fire, or to prevent the spreading of fire, or to protect adjacent property.

**1055. May Destroy Building.]** § 14. He shall have power, when he deems it necessary to check the progress of any fire, to cut down and remove any fence, building, or other erection of any kind, and he shall also have the power, when necessity exists, to blow up or cause to be blown up, with powder or otherwise, any building or erection.

**1056. To Enforce Ordinances.]** § 15. It shall be the duty of said marshal, to cause all ordinances of the city of Peoria, for the prevention of fires, and all other ordinances and regulations, in reference to the fire department, to be strictly enforced.

**1057. Shall Wear Uniform.]** § 16. The said marshal shall provide himself, at his own expense, a suitable uniform, indicative of his rank, as prescribed by the rules and regulations of said department.

**1058. Turn Over Property, Etc., to Successor.]** § 17. Upon the expiration of his term of office, or his resignation thereof, or removal therefrom, he shall deliver to his successor in office, all books, records, equipments and property of every description in his possession, belonging to the city, or appertaining to his office.

### ARTICLE III.

#### ASSISTANT FIRE MARSHAL.

##### Section.

1059. Assistant Fire Marshal—Term of.

1060. Appointment.

1061. Bond.

##### Section.

1062. Authority.

1063. Uniform.

**1059. Assistant Fire Marshal—Term of.]** § 1. There is hereby created the office of assistant fire marshal, whose term of office shall be for two years, and until his successor is appointed and qualified.

**1060. Appointment.]** § 2. The assistant fire marshal shall be appointed by the mayor, by and with the advice and consent of the city council, on the first Tuesday in May, 1892, or as soon thereafter as may be, which first appointment shall be for the term of one year, and until his successor is appointed and qualified; and thereafter said appointment shall be made on the first Tuesday in May, 1893, or as soon thereafter as may be, and biennially thereafter.

**1061. Bond.]** § 3. He shall, before entering upon the duties of his office, execute and deliver to the city a good and sufficient bond, with sureties thereon, to be approved by the city council, in the penal sum of twenty-five hundred dollars, conditioned for the faithful performance of the duties of his office, as prescribed by the ordinances of said city, and the rules and regulations of said department.

**1062. Authority.]** § 4. He shall be second in command of said department, in subordination to the fire marshal, and in case of the absence or disability to act, of the said fire marshal, he shall possess all the powers, and perform all the duties of the said fire marshal.

**1063. Uniform.]** § 5. He shall wear such uniform, to be provided at his own expense, as may be designated by the rules and regulations of said department, indicative of his rank.

## ARTICLE IV.

### CITY ELECTRICIAN.

#### Section.

- 1064. City Electrician—Term of.
- 1065. Qualifications—Appointment.
- 1066. Bond.
- 1067. Authority.

#### Section.

- 1068. Control Keys to Signal Boxes.
- 1069. Records, Etc.
- 1070. Duties of.

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**1064. City Electrician—Term of.]** § 1. There is hereby created the office of city electrician, whose term of office shall be for two years, and until his successor is appointed and qualified.

**1065. Qualifications—Appointment.]** § 2. He shall be a practical and skilled electrician, and shall be appointed by the mayor, by and with the advice and consent of the city council, on the first Tuesday in May, 1882, or as soon thereafter as may be, which first appointment shall be for one year, and until his successor is appointed and qualified; and, thereafter said appointment shall be made on the first Tuesday in

May, 1893, or as soon thereafter as may be, and biennially thereafter.

**1066. Bond.] § 3.** Said electrician shall, before entering upon the duties of his office, execute and deliver to the city of Peoria, a good and sufficient bond, with sureties thereon, to be approved by the city council, in the penal sum of two thousand dollars, conditioned for the faithful performance of the duties of his office, as prescribed by the ordinances of said city, and the rules and regulations of said department.

**1067. Authority of.] § 4.** He shall have the general supervision and control of the police and fire alarm telegraph systems, under the direction of the city council. He shall also have charge of all apparatus, instruments, batteries, alarm boxes and wires belonging to, or connected with said systems, and he shall see that the same are at all times kept in complete repair and perfect working order, and promptly repaired when out of order; and shall test all the instruments and alarm boxes at least once a month.

**1068. Control Keys to Signal Boxes, Etc.] § 5.** He shall have control of all keys to signal stations, and shall keep a record of all keys distributed, when and to whom.

**1069. Records, Etc.] § 6.** He shall keep such books as may be necessary, to a full and complete understanding of all the workings of his department. He shall also keep a list of all employes of his department, the length of their service, wages paid, and all other outlays and expenses, connected with the operation of his department; and on or before first day of January of each year, shall make a full report of the operations of his department to the comptroller.

**1070. Duties of.] § 7.** He shall devote his entire time and attention to the duties of his office, and shall make such rules and regulations as he may deem most beneficial and expedient for the successful operation of his department, subject to the approval of the city council.

## ARTICLE V.

## FIREMEN.

## Section.

- 1071. Fireman, etc.—Term of.
- 1072. Qualifications.
- 1073. Removal for Cause Only.
- 1074. Duties of.
- 1075. Driving Carts, Etc.
- 1076. Not to be Driven on Sidewalk.
- 1077. Fire Apparatus—Not to be Used for  
Private Purpose Without Permit.

## Section.

- 1078. Property Saved at Fire—Possession  
of.
- 1079. Trespasser During Fire—Arrest.
- 1080. Obstructing Fire Department.
- 1081. Rules to be Established.
- 1082. Copies of Rules.
- 1083. Prescribed Uniform to be Worn.

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**1071. Firemen, Etc.—Appointment** § 1. The engineers, firemen, drivers, pipemen, truckmen and all other subordinate employes of said fire department shall be appointed by the board of police and fire commissioners, and they shall hold their respective positions as long as they are thoroughly competent to fill the same, and obey all provisions of this article and the rules and regulations of the fire department.

**1072. Qualifications.]** § 2. No person shall be appointed to, or retained in any position mentioned in the preceding section, who is under twenty-one years of age, or over fifty-five years of age, nor unless he is a person of good moral character, and a legal voter in said city.

**1073. Removal for Cause Only.]** § 3. No removals from positions mentioned in Section One shall be made except for good and sufficient cause, affecting the efficiency and discipline of the fire department, and shall be made when sufficient cause exists, as aforesaid, by the board of police and fire commissioners, *Provided*, no removals shall be made on account of any political opinion or affiliation.

**1074. Duties of.]** § 4. The several members of the fire department shall be on duty at all such hours of the day and night, as shall be prescribed by the rules and regulations of said department, except when otherwise ordered by the fire marshal. And in addition to their general duties, they shall



keep their horses, engines, hose carts, hooks and ladders and other fire apparatus in first-class condition for actual service, and not expose them to unnecessary hazard, and to work and use the same with skill and judgment.

**1075. Driving Carts, Etc.] § 5.** No fire or chemical engine, hose cart, hook and ladder truck, or other fire apparatus, shall be driven to a fire, or alarm of fire, in a manner calculated to endanger the safety of persons or property, in the streets, or avenues of the city. Nor shall any such engine, cart, truck or other fire apparatus, be drawn faster than a slow trot while at exercise, or on its return from any fire, or alarm of fire, under a penalty, in either case, of not less than five dollars, nor more than fifty dollars, to be paid by the person or persons committing the offense.

**1076. Not to be Driven on Sidewalks.] § 6.** No fire or chemical engine, hose cart, hook and ladder truck, or other fire apparatus, shall be run upon, across or along any sidewalk, within the city, except in case of necessity; and any member of the fire department, or other person, violating this section, shall be subject to a fine of not exceeding five dollars for every such offense.

**1077. Fire Apparatus—Not to be Used for Private Purposes Without Permit—Penalty.] § 7.** No person shall, without first obtaining the consent of the city council, use any horse, or fire apparatus, belonging to the city, for any private purpose whatsoever, under a penalty of not less than three dollars, nor more than twenty-five dollars, for each offense.

**1078. Property Saved at Fire—Possession of.] § 8.** No person shall be permitted to remove, or take away any property in the possession of the department, saved from any fire, until proof of the ownership shall have been made to the satisfaction of the fire marshal.

**1079. Trespasser During Fire—Arrest of.] § 9.** The mayor, any alderman, or the fire marshal, may, and the superintendent of police, and all policemen shall, during the progress of any fire, arrest any person found stealing, or trespassing upon any property, or willfully injuring, or breaking any engine, or other fire apparatus, or any person resisting, or obstructing, any member of the fire department in the discharge of his duty, or otherwise conducting himself in a riotous, or disorderly manner.

**1080. Obstructing Fire Department—Penalty.] § 10.**  
Any person who shall willfully resist, obstruct or hinder any member of the fire department in the performance of his duty at a fire, or shall willfully or maliciously injure, break or deface any engine, hose, truck, cart, or other fire apparatus belonging to the city, shall, on conviction, in either case, be fined not less than five dollars, nor more than one hundred dollars.

**1081. Rules to be Established.] § 11.** The fire marshal shall have and exercise a general supervision and control over the fire department, and property belonging thereto, and shall make and establish rules and regulations for the government thereof, not inconsistent with the provisions of this ordinance. And it shall be the duty of said fire marshal to see that the organization of said department is efficiently preserved; its records properly kept, and its rules and regulations duly observed by its members.

**1082. Copies of Rules.] § 12.** Each member of the fire department shall be furnished, by the fire marshal, with a copy of the rules and regulations adopted and prescribed for the government of the department, and the members thereof.

**1083. Prescribed Uniform to be Worn.] § 13.** The city council shall also prescribe a suitable uniform for the members of the fire department, to be worn by them while in

the line of their duty. And all members of the department shall be required to provide themselves with such uniform, as may be prescribed, at their own expense.

## ARTICLE VI.

### MISCELLANEOUS.

#### Section.

1084. Hindering Officer at Fire—Penalty.

1085. Giving False Alarm—Penalty.

#### Section.

1086. False Keys--Penalty.

1087. Injury to Fire Alarm or Police Patrol System—Penalty.

#### **1084. Hindering Officer at Fire, Etc.—Penalty.] § 1.**

Any person who shall willfully and intentionally, hinder or interfere with any city officer, or fireman, in the performance of their duty at, going to, or returning from any fire, or while attending to any of their respective duties connected with the fire department, or willfully or negligently drive any wagon, dray or other vehicle, or any street car, locomotive or train of cars, across, or upon any hose, or shall willfully cut, deface, destroy, or injure any telegraph wire, telegraph pole, signal box, or any of the property or fixtures belonging to, or connected with the fire department, or the fire alarm telegraph, shall upon conviction thereof, be fined not less than ten dollars, nor more than one hundred dollars, and shall be liable for all damages done to any such property.

#### **1085. Giving False Alarm—Penalty.] § 2.**

That should any person knowingly give, or cause to be given, any false alarm of fire, by means of the telegraph boxes, connected with the fire alarm telegraph, or otherwise, such person shall be subject to a fine of not less than fifty dollars, nor more than one hundred dollars, to be recovered as other fines are recoverable.

#### **1086. False Keys—Penalty.] § 3.**

That should any person make, or cause to be made, any key to any fire alarm telegraph box, or use, or cause to be used, any such key, with-

out the consent of the proper authorities, such person, or persons shall be subject to a fine of not more than one hundred dollars, to be recovered as other fines are recoverable.

**1087. Injury to Fire Alarm or Police Patrol System—Penalty.** § 4. Whoever shall cut, injure, deface or in any wise interfere with any fire alarm, police, or other telegraph or telephone wire, belonging to the city of Peoria, or any fire alarm box, or police patrol box, or any apparatus or other thing pertaining to the fire alarm, or police patrol system, or telegraph, of the city of Peoria shall, upon conviction, be fined not less than fifty dollars.

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## CHAPTER X.

# INSPECTOR OF STEAM BOILERS, GAS AND WATER METERS, AND WEIGHTS AND MEASURES.

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### Article.

- I. The Inspector.
- II. Steam Boilers.

### Article.

- III. Gas and Water Meters.
  - IV. Weights and Measures.
- 

## ARTICLE I.

### THE INSPECTOR.

#### Section.

- 1088. Inspector—Office Created.
- 1089. Appointment—Bond.

#### Section.

- 1090. Qualifications.
  - 1091. Monthly Report—Pay Over Fees.
- 

**1088. Inspector—Office Created.]** § 1. There is hereby created the office of inspector of steam boilers, gas and water meters, weights and measures. He shall hold his office for the term of two years and until his successor is appointed and qualified.

**1089. Appointment—Bond.] § 2.** Said inspector shall be appointed by the mayor, by and with the advice of the city council, on the first Tuesday in May, 1892, or as soon thereafter as may be, which appointment shall be for the term of one year and until his successor is appointed and qualified; and thereafter the appointment shall be made on the first Tuesday in May, 1893, or as soon thereafter as may be, and biennially thereafter; and said inspector shall, before entering upon the duties of the office, execute a bond to the city of Peoria in the sum of five thousand dollars, with sureties to be approved by the city council, conditioned for the faithful performance of the duties of said office.

**1090. Qualifications.] § 3.** The person so appointed shall be well qualified from practical experience, in the use and construction of machinery, boilers, etc., to enable him to intelligently make all of the inspections required to be made under the provisions of this chapter.

**1091. Monthly Report—Pay Over Fees.] § 4.** Said inspector shall, on or before the tenth day of each month, make a detailed report to the city comptroller of all inspections made by him during the preceding month, and of all fees received by him during the preceding month, for all inspections made by him under any of the provisions of this chapter, and shall at the same time pay over to the city treasurer all such fees so received by him.

## ARTICLE II.

### STEAM BOILERS.

#### Section.

- 1092. Duties—Test.
- 1093. Inspection of Repairs.
- 1094. Certificate—Record.
- 1095. Inspection Fee.
- 1096. Failure to Have Boiler Inspected—Penalty.
- 1097. Annual Inspection.

#### Section.

- 1098. Safety Valves.
- 1099. Expense of Inspection.
- 1100. Try Cocks—Gauges—Force Pump.
- 1101. Engineer's Negligence—Penalty.
- 1102. Apparatus—Delivery to Successor—Reports.
- 1103. Penalty.

**1092. Duties—Test.] § 1.** It shall be the duty of the inspector, upon application, to inspect all boilers used for the



generation of steam power, or for heating or steaming purposes, except in private residences, and all tanks or cookers subjected to steam pressure, used in any business, by a careful examination of, and subjecting the same to hydrostatic pressure which shall exceed the maximum working pressure in the ratio of one hundred and fifty to one hundred pounds; and in no case shall the working pressure be more than one hundred pounds per square inch for a new boiler, forty-eight inches in diameter, made of No. 1 iron plates of one-fourth of an inch in thickness, and the steam pressure of all boilers, whether thicker or thinner, larger or smaller, than before mentioned in this section, shall be governed by the same standard of strength. *Provided*, however, that whenever the plates of which any boiler is made show thereon the manufacturer's stamps indicating its tensile strength, such boiler may be tested and rated in accordance with the United States steam-boat law governing the inspection of steam boilers.

**1093. Inspection of Repairs.]** § 2. It shall be the duty of said inspector, on the application of any owner or agent of any boiler, generator, superheater, tank or cooker, stating the same is out of repair, or has been repaired, to examine the same when so required, and determine if the same has been properly done, and it shall be unlawful for any person to use any boiler, after the same has been repaired, until he has first secured a certificate from the inspector that it has been done properly and may be safely used.

**1094. Certificate—Record.]** § 3. When an inspection of any boiler, generator, superheater, tank, or cooker has been made, and the same approved by the inspector, he shall make and deliver to the person for whom such inspection was made, upon the payment of his fees hereinafter mentioned, a certificate of such inspection, which shall contain the date of such inspection, together with a general description, for what purpose used, the number of try cocks, steam and water gauges,

pumps, the pounds pressure at which said boilers have been tested, and the maximum pressure to which they may be safely used; which certificate shall be put up in the office or some other conspicuous place on the premises, for examination, and a record of the same shall be made by the said inspector, in a well bound book kept for that purpose, and alphabetically indexed.

**1095. Inspection Fee.]** § 4. Said inspector may charge a fee of three dollars for inspecting each boiler, which shall be paid by the party requiring such service before the delivery of such certificate: *Provided*, that in any establishment where more than one boiler is used, said inspector shall be entitled to said fee of three dollars for one boiler, and to a fee of two dollars upon each additional boiler.

**1096. Failure to Have Boiler Inspected—Penalty.]** § 5. It shall be unlawful for any person, firm or corporation, to use or operate any steam boiler, generator, superheater, tank or cooker subject to steam pressure, within the city of Peoria, without first having obtained the inspection and approval thereof of the inspector of boilers, within one year previous to such use or operation, and each day's use and operation thereof shall be deemed and taken to be a separate and distinct violation of this article.

**1097. Annual Inspection.]** § 6. It shall be the duty of every owner, or other person using any steam boiler, generator, superheater, tank or cooker subject to steam pressure, in this city, to have the same inspected by the inspector of boilers as often as once in each and every year.

**1098. Safety Valves.]** § 7. The safety valves of steam boilers shall be loaded to sustain only the maximum pressure allowed by said inspector.

**1099. Expense of Inspection.]** § 8. All owners, or other persons using steam boilers or other machinery subject

to inspection, as aforesaid, shall provide, at their own expense, such arrangements and facilities for attaching the instruments for inspection, as the inspector shall direct.

**1100. Try Cocks—Guages—Force Pumps.] § 9.** It shall be the duty of every owner or other person using steam boilers in the city of Peoria, to provide and properly affix to each and every one of such boilers a full complement of try cocks, one water guage, one steam guage, one or more safety valves of suitable dimensions, one of which safety valves shall be a spring or pop valve, and plugs of good Banca tin, to be inserted in a suitable manner, in the flues, crown sheets or other parts of the boiler most exposed to the heat of the furnace when the water falls below its prescribed limits, all to be subject to the approval of the inspector, and to provide and properly attach to each boiler a good and sufficient force pump, or other means to supply the boiler with water, which shall also be subject to the approval of the inspector.

**1101. Engineer's Negligence—Penalty.] § 10.** If any engineer shall negligently or wrongfully endanger the life of any person by permitting the water to fall below three inches above the flues, or crown sheet of any boiler, or otherwise neglect his duties, he shall be subject to a fine of not less than ten dollars nor more than two hundred dollars.

**1102. Apparatus—Delivery to Successor—Reports.] § 11.** The city of Peoria shall provide such instruments, books, papers and other apparatus as shall be necessary for the proper performance of the duty of such inspector, which shall be the property of the city and which shall be delivered by said inspector to his successor in office, or to the commissioner of public works, whenever he shall cease, for any reason, to discharge the duties of his office; said inspector shall, also, without expense or charge, inspect all boilers owned by the city or any of its departments, whenever called

upon by the proper officer. He shall also report to the city council every three months, or as often as required by the council, all inspections of boilers by him made.

**1103. Penalty.] § 12.** Any person who shall violate any of the provisions of this article, or fail to comply with any of the requirements of the same, where no other penalty is provided, shall, upon conviction, be fined not less than twenty dollars, nor more than two hundred dollars.

## ARTICLE II.

### GAS AND WATER METERS.

#### Section.

1104. Inspection—Request of Consumer.

1105. Test—Notice to Consumer and Company.

1106. Inspection Conclusive.

#### Section.

1107. Fee—Paid Before Test—Refunded When.

1108. Certificate of Inspection.

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**1104. Inspection—Request of Consumer.] § 1.** It shall also be the duty of the said inspector to examine and test any gas, or water meter, furnished to consumers of gas or water, by any gas, or water company, furnishing gas or water in the city of Peoria, whenever requested so to do by such consumer.

**1105. Test—Notice to Consumer and Company.] § 2.** The said inspector shall always give notice to the consumer and the gas, or water company of the time and place when and where he intends to test the meter.

**1106. Inspection Conclusive.] § 3.** The inspection herein provided for shall be conclusive, both upon the company and the consumer, as to the amount of gas, or water consumed the three months last preceding the close of the month in which any meter shall be inspected, and until a new inspection shall be had, the new inspection relating back as herein provided.

**1107. Fee—Paid Before Test—Refunded When.] § 4.** The said inspector shall be entitled to receive in advance, from

any consumer requiring his services the sum of one dollar and his reasonable expenses, not exceeding one dollar for each meter by him inspected. Such sum, however, to be refunded by the gas or water company, upon presentation to their treasurer of the inspector's certificate that the meter has been found by him to measure more gas or water than was actually consumed.

**1108. Certificate of Inspection.] § 5.** The inspector shall, when so requested by either party, furnish to the consumer, or the company, free of charge, a certificate of the result of the examination made by him of any meter.

## ARTICLE IV.

### WEIGHTS AND MEASURES.

#### Section.

- 1109. Inspector—Sealer of Weights and Measures.
- 1110. Standard of State Adopted.
- 1111. City to Provide Standards.
- 1112. Inspection of Weights, Etc.—Refusal to Allow—Penalty.
- 1113. Weights, Etc., not Conformable to Standard—Repaired—Tested.
- 1114. Fees.

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- 1115. Annual Tests—Using Weights Without Test—Penalty.
- 1116. Examination—Refusal—Altering—Penalty.
- 1117. Register to be Kept.
- 1118. Search for False Weights—Power to Arrest.
- 1119. Annual Notice—Using Weights, Etc., not Sealed—Penalty.
- 1120. Monthly Report—To Pay Over Fees—Location of Office—Compensation

**1109. Inspector—Sealer of Weights and Measures.] § 1.** That in addition to his other duties the inspector of steam boilers shall perform the duties of sealer of weights and measures, as hereinafter prescribed.

**1110. Standard of State Adopted.] § 2.** That there shall be a regulation of weights and measures in said city, and the standard adopted by the state of Illinois shall be the test by which they shall be compared and determined.



**1111. City to Provide Standards.] § 3.** That the city council of said city shall procure correct and approved standards, with their necessary subdivisions, together with the proper beams and scales, for the purpose of testing and proving by said standards, the weights and measures used in the city.

**1112. Inspection of Weights, Etc.—Refusal to Allow Inspection—Penalty.] § 4.** It shall be the duty of the sealer of weights and measures, once every year, to examine and test the accuracy of all weights, measures, scales, or other instruments, or things, used by any person for weighing, or measuring any article for sale in said city; to stamp with a suitable seal all weights, measures and scales, so used, which he may find correct, and deliver to the owner thereof a certificate of their accuracy; to condemn all weights, measures and scales which he may find incorrect on such inspection, and to cause the owner thereof to have them corrected and made conformable to said standard in the manner hereinafter provided. Any person refusing to exhibit any weights, measures, or scales or instruments for weighing or measuring, to said sealer, for the purpose of examination or inspection as aforesaid, or obstructing him in the performance of his duty, shall forfeit and pay not less than three dollars, nor more than twenty dollars, for every offense.

**1113. Weights, Etc., Not Conformable to Standard—Repaired—Tested.] § 5.** All weights and measures, beams and scales found not to conform to the standard of the State of Illinois, shall be condemned by the sealer of weights and measures, and the same shall not be again used until repaired and adjusted, and tested by the sealer of weights and measures and found to conform to the said standard; and any person offending against the provisions of this section shall, upon conviction, be fined not less than two dollars, nor more than ten dollars, for every offense.

**1114. Fees.]** § 6. The sealer of weights and measures shall be allowed to receive the following fees of office for services rendered by him, from the owners of the articles tested and sealed, viz: For inspecting and sealing platform scales of 10,000 pounds and upwards, including weights, \$3; scales not less than 5,000 pounds and not exceeding 10,000 pounds, \$1; of less denominations, including weights, 50 cents each; for inspecting and sealing large beams, weighing 1,000 pounds and upwards, including weights, 25 cents; for inspecting and sealing smaller scales than above stated, he shall be entitled to 15 cents each; counter scales, including weights, 15 cents; for comparing and sealing any measures—bushel, 10 cents; half bushel and for less denominations, each, 5 cents; for comparing and sealing wine measures, 5 cents each; for comparing, inspecting and sealing cloth and board measures, each, 5 cents; for inspecting and testing the several scales of the city for the weighing of hay, coal, etc., to be done free of charge.

**1115. Annual Tests, Using Weights, Etc., Without Test—Penalty.]** § 7. It shall not be lawful for the aforesaid sealer to make charges for inspecting and testing weights, measures and scales, as aforesaid, oftener than twice in each year, unless the same shall be found not conformable to the standard of the State; and no person shall make use of any weight, scale, measure, or other instrument for weighing or measuring any article for sale in the city, until the same has been duly examined and sealed by the sealer of weights and measures, under a penalty of not less than five dollars, nor more than twenty-five dollars, for every offense.

**1116. Examination—Refusal of—Altering—Penalties.]** § 8. All persons using weights and measures, scales, or other instruments for measuring any article for sale in said city, which have been sealed, shall, upon application of the sealer of weights and measures, allow the same to be examined, tested

and sealed as herein provided, under a penalty of not less than five dollars nor more than twenty-five dollars for failing so to do; and any person altering any weights, measures or scales, causing the same to weigh or measure incorrectly, shall forfeit and pay not less than three dollars, nor more than fifty dollars, for every offense.

**1117. Register to be Kept.]** § 9. It shall be the duty of said sealer to make a regular register of all weights, measures, scales, beams and steelyards, or other instruments inspected by him, in which he shall state the names of the owners of the same, and whether they are conformable to the standard of the State.

**1118. Search for False Weights—Power to Arrest.]** § 10. It shall be the duty of the said sealer, whenever he may have reason to suspect the existence of false weights, measures, scales, beams or steelyards, from his own knowledge, or upon written complaint of any reputable citizen, immediately to search for the same; and it is hereby made his duty to prosecute all persons violating this article, and to file all such written complaints with the city clerk, with his monthly reports.

**1119. Annual Notice—Using Weights, Etc., Not Sealed—Penalty.]** § 11. It shall be the duty of said sealer, within five days after his annual inspection and examination of weights, measures, scales, and other instruments used in said city for weighing or measuring any article for sale therein, to publish, in the newspaper selected by the city council to publish the ordinances of said city, a notice stating that he has so made such annual inspection and examination as aforesaid, and also notifying all persons who shall or may, after said inspection and examination and before the next succeeding annual inspection and examination, use, for the purpose of selling or buying any article in said city, any scales, weights, measures, or other instruments, and which

may not have been so examined as aforesaid, to bring or cause to be brought, to a place in said city to be designated by said sealer in said notice, all such weights, measures, scales and other instruments designated as aforesaid, and which may be susceptible and capable of removal to such place; and the said owner or owners of any such instrument, as is not capable or susceptible of such removal, shall notify said sealer of the place and situation of such beam, scale or other instrument, not so capable of removal as aforesaid; and any person who, after the publication of the notice above mentioned, by such sealer, shall not, within ten days from the time he first uses such beam, scale, or other instrument, comply with the requirements and provisions of this section, shall, upon conviction, forfeit and pay any sum not less than three dollars, nor more than twenty dollars, for every offense.

**1120. Monthly Report—To Pay Over Fees—Location of Office—Compensation.]** § 12. Said inspector shall make monthly reports to the city council, of all inspections made by him, for the preceding months, in which he shall give in detail the names of all persons, for whom said inspections were made, and the article inspected, and the condition the same was found to be in when inspected. He shall also pay over to the city treasurer monthly, all fees received by him as such officer for each month. Said inspector shall provide himself an office in same central portion of the city, to be approved by the council. He shall receive such compensation for his services as the city council may by ordinance provide, but in no case shall such compensation exceed the amount of fees earned and collected by said officer.

## CHAPTER XI.

# OIL INSPECTOR.

### ARTICLE I.

**Section.**

1121. Office Created.

1122. Appointment.

1123. Bond.

**Section.**

1124. Duties.

1125. Inspection Fees—Deputies.

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**1121. Office Created.] § 1.** There is hereby created the office of inspector of oils, who shall hold his office for the term of one year, and until his successor shall be appointed and qualified.

**1122. Appointment.] § 2.** Said inspector of oils shall be appointed by the mayor, by and with the advice and consent of the city council, on the first Tuesday in May, 1892, or as soon thereafter as may be, which appointment shall be for the term of one year, and until his successor shall be appointed and qualified; and thereafter such appointment shall be made on the first Tuesday in May, 1893, or as soon thereafter as may be, and annually thereafter.

**1123. Bond.] § 3.** He shall, before entering upon the duties of his office, execute a bond, to the people of the State of Illinois, in the sum of five thousand dollars, with such sureties as the mayor shall approve, conditioned for the faithful performance of the duties of his office.

**1124. Duties.] § 4.** It shall be the duty of said inspector to strictly conform to the requirements of the statutes of the state of Illinois, authorizing the appointment of inspectors



of oils, and prescribing their duties; said inspector shall make monthly reports to the city council of the amount of fees received by him.

**1125. Inspection Fee—Deputies.] § 5.** The inspector of oils may charge not to exceed the following fees: For inspecting one barrel, 25 cents; from one to five barrels, 20 cents each; from five to ten barrels, 15 cents each; and over ten barrels, 6 cents each; and collect the same from the party requiring his services. He may, also, if necessary to the convenient dispatch of his duties, appoint a suitable number of deputies, for whom he shall be accountable, which deputies are hereby empowered to perform the duties of inspector.

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## CHAPTER XII.

# DEPARTMENT OF BUILDINGS.

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## Article.

I. Board for Inspection of Buildings.

## Article.

II. Superintendent of Buildings.

### ARTICLE I.

#### BOARD FOR INSPECTION OF BUILDINGS.

## Section.

1126. Department Created.

1127. Quorum.

1128. Officers May Enter Building.

1129. Power of Board.

## Section.

1130. Periodical Examination of Building.

1131. Other Inspection of Buildings.

1132. Record to be Kept—Reports.

1133. Obstructing Officer—Penalty.

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**1126. Department Created.] § 1.** There is hereby created an executive department of the municipal government of the city of Peoria, which shall be known as the department of buildings, and shall embrace the superintendent of buildings, the board of inspection of buildings, which board shall

be composed of the superintendent of buildings, fire marshal and city engineer, and said department shall embrace also such assistants and employes as the city council may, from time to time, prescribe and establish.

**1127. Quorum.]** § 2. Two members of said board shall constitute a quorum for the transaction of all business.

**1128. Officers May Enter Buildings.]** § 3. All of said officers may, as far as necessary for the performance of their duties, enter in the day time any building or premises in the city of Peoria.

**1129. Power of Board.]** § 4. Said board shall have full discretionary power to hear and determine, under the provision of any of the ordinances of said city, as to whether or not any building or structure in said city is unsafe or dangerous for the occupants thereof, or for passers by, or to adjoining property, or unsafe or dangerous as to fire, and may declare any building so found to be unsafe or dangerous to be a nuisance, and shall thereupon take the necessary steps for the abatement thereof.

**1130. Periodical Examination of Buildings.]** § 5. Said board shall at least once in six months, inspect and examine all public school buildings, public halls, churches, theatres and all buildings used either for manufacturing, commercial or hotel purposes, for the purpose of determining the safety of the building, or any elevator used therein; the proper ventilation and drainage of any such building; the condition of the plumbing; the safety of the funnels, flues, fireboxes and heating apparatus of the same; the sufficiency of its doors, passageways or aisles and stairways and, generally, its facilities for egress in case of fire or accident happening, and shall make returns of all violations of any of the provisions of the ordinances of the city to the city attorney for prosecution.

**1131. Other Inspections of Buildings.]** § 6. Whenever said board shall be notified, or whenever it shall come to

the knowledge of any member of said board, that any building or premises are not kept in the condition required by the ordinances of said city, or is in an unsafe or dangerous condition, it shall be the duty of the said board to make a personal inspection of such place or building, and, if such is found not to be, in such condition as is required by the ordinances, or is unsafe or dangerous, said board shall give notice in writing to the owners or lessees of such place or building, to make such changes, alterations or repairs as the public safety and the ordinances of the city may require.

**1132. Record to be Kept—Reports.]** § 7. The said board shall keep a record of all its proceedings and transactions, and shall make quarterly reports of its doings to the city council.

**1133. Obstructing Officer—Penalty.]** § 8. Whoever shall resist, obstruct or otherwise interfere with any member of said board in the discharge of any of the duties imposed by this article, shall, upon conviction, be fined not less than five dollars, nor more than one hundred dollars, for each offense.

## ARTICLE II.

### SUPERINTENDENT OF BUILDINGS.

Section.	Section.
1134. Superintendent — Qualifications -- Term.	1142. Notices—Permit—Fees--Record.
1135. Appointment of—Bond.	1143. Register of Transactions—to be Kept.
1136. His General Control.	1144. Fees--Amount of—When Payable.
1137. Inspection and Control of Buildings being constructed.	1145. Record of Fees Received.
1138. Stop Construction—When—Penalty.	1146. Weekly Accounting.
1139. Control—as to Elevator.	1147. Office.
1140. Enforcement of Anti-Fire Ordinances.	1148. Salary.
1141. Investigation of Cause of Fire.	1149. Annual Report.
	1150. Disability—Pro Tem—Substitute.

**1134. Superintendent—Qualifications—Term.]** § 1. There is hereby created the office of superintendent of buildings, who shall be the head of the department of buildings, and shall be an experienced architect, builder or mechanic, competent to perform all the duties of the office, and during the

term of his office he shall not carry on, or be in anywise interested in the business of an architect, builder, contractor, or mechanic. He shall hold his office for the term of two years, and until his successor shall be appointed and qualified.

**1135. Appointment of—Bond.]** § 2. He shall be appointed by the mayor, by and with the advice and consent of the city council, on the first Tuesday in May, 1892, or as soon thereafter as may be, which appointment shall be for the term of one year, and until his successor is appointed and qualified, and thereafter such appointment shall be made on the first Tuesday in May, 1893, or as soon thereafter as may be, and biennially thereafter. Said superintendent, before entering upon the duties of his office, shall execute a bond to the city of Peoria, in the sum of ten thousand dollars, with sureties to be approved by the city council, conditioned for the faithful performance of the duties of his office.

**1136. His General Control.]** § 3. He shall have charge of the enforcement of all ordinances in force, or which may hereafter be passed, pertaining to the erection, construction, alteration, repair or removal of buildings, the arrangement of heating appliances, drainage and plumbing, and shall grant all permits for the erection, construction, alteration, repair or removal of buildings within the city.

**1137. Inspection and Control of Buildings Being Constructed.]** § 4. He shall, as often as practicable, make careful inspections of all buildings, while in process of construction, to the end that all ordinances of the city relating thereto shall be strictly enforced, and shall have full power to pass upon any question arising under any of the ordinances of the city relating to the manner of construction, or materials to be used in the construction, alteration, or repair of any building, or building, in said city.

**1138. Stop Construction—When—Penalty.]** § 5. Said superintendent shall have the power to stop the construction

of any building, contracted for after the adoption of this ordinance, or the making of any alteration or repairs of any building within said city, when the same is being done in a reckless or careless manner, or in violation of any of the ordinances of the city, and to order, in writing or otherwise, any and all persons, in any way or manner whatever, engaged in so constructing, altering or repairing any such building, to stop and desist therefrom. Any person who shall refuse, fail or neglect to comply with such order shall be subject to a penalty not exceeding twenty-five dollars for such refusal, failure or neglect, and a further penalty of not exceeding fifty dollars for each and every day he shall continue to fail, refuse or neglect to comply with such order.

**1139. Control, as to Elevator.] § 6.** He shall have power to make an order prohibiting the use of any elevator, whenever the same, or the hoistway in which it is used, is in a dangerous or unsafe condition; and any such order shall continue in force until such elevator or hoistway, or both, are put in a perfectly safe condition. Whoever shall continue to use any elevator, after an order prohibiting the use of the same has been made by the superintendent of buildings, and before the necessary repairs thereon have been made, shall be subject to a fine of not less than five dollars, nor more than fifty dollars for each offense, and a like penalty for each and every day the same shall be so used.

**1140. Enforcement of Anti-Fire Ordinances.] § 7.** He shall enforce all ordinances of the city relating to the storage of combustibles, and the arrangement of heating appliances, engines, boilers, forges, or manufacturing by the use of heat.

**1141. Investigation of Cause of Fire.] § 8.** He shall make a careful investigation of the origin or cause of all fires occurring in said city, and keep a record of such inquiries.

**1142. Notices—Permits—Fees—Record.] § 9.** Said superintendent shall sign all certificates and notices required to



be issued from said department, and keep a record of the same, and issue all permits, authorized to be issued, and collect all fees due said department.

**1143. Register of Transactions—to be Kept.] § 10.** Said superintendent shall keep in proper books for that purpose, a register of all transactions of said department, which said books shall be open to the inspection of the mayor, comptroller, superintendent of police, fire marshal, and members of the city council, at all times.

**1144. Fees—Amount of—When Payable.] § 11.** The superintendent shall collect the following fees for all permits granted:

For each permit for the removal of any building, \$2.

For each application for a permit for the erection, alteration or repair of any building, as follows:

When the estimated cost does not exceed \$200, the fee shall be \$1.00.

For over \$200 and not exceeding \$1,000, the fee shall be \$2.00.

For over \$1,000 and not exceeding \$3,000, the fee shall be \$3.00.

For over \$3,000 and not exceeding \$5,000, the fee shall be \$5.00.

And for each additional \$1,000 after the first \$5,000, the applicant shall pay an additional fifty cents for each \$1,000.

In case the permit is refused, for the reason that the proposed building, alteration or repair, does not comply with the ordinances, the fee paid shall not be refunded; and in case changes are made in the proposed building, alteration, or repairs, so as to conform to the ordinances of the city, only one fee shall be collected. All fees shall be paid at the time the application for the permit is filed.

**1145. Record of Fees Received.]** § 12. Said superintendent shall keep an accurate account of all fees paid and required to be paid to him, giving the name of the party, date, and amount of such fee or fees.

**1146. Weekly Accounting.]** § 13. Said superintendent shall, on the last day of each and every week, pay over to the city treasurer all moneys collected by him, and shall take a receipt and duplicate receipt therefor, and shall deposit such duplicate receipt with the city comptroller, and shall render a report, under oath, monthly, to the city comptroller, of all moneys received.

**1147. Office.]** § 14. Said superintendent shall keep his office at such place within said city, as shall be provided by the city council, and shall attend there for the transaction of the business of his office.

**1148. Salary.]** § 15. The salary of the superintendent of buildings shall be fixed by the city council, but shall in no case exceed the amount of the fees of the office which are collected.

**1149. Annual Report.]** § 16. Said superintendent shall, at the end of each fiscal year, prepare and present to the city council a report showing the receipts and expenditures and entire work of his department during the previous fiscal year. He shall, at the same time, send to the comptroller a full and comprehensive statement of all matters pertaining to the department, together with an estimate in detail for the appropriations required by the department during the current year.

**1150. Disability—Pro-tem.—Substitute.]** § 17. In the absence of the superintendent, from sickness or other cause, the mayor may designate one of the other members of the board for the inspection of buildings, to act in his place during such absence, with the same powers exercised by the superintendent; but no additional compensation shall be paid to him for such services.

## CHAPTER XIII.

## MISCELLANEOUS ORDINANCES.

## ARTICLE I.

## AMUSEMENTS.

Section.	Section.
1151. Entertainments—License—Penalty.	1158. License—How Taken Out—Penalty.
1152. License—Term of and Fee for.	1159. Mutilation of Amusement Bills—Penalty.
1153. Fees.	1160. Intoxicating Liquors—Penalty.
1154. License—City Clerk to Issue.	1161. Seats in Passageways—Penalty.
1155. License Subject to Ordinances.	1162. Special Police Patrolmen.
1156. Prohibitions in License—Revocation—Penalty.	1163. Refusal to Move on After Notice—Penalty.
1157. Concert in Saloon—Permit—Penalty.	

**1151. Entertainments—License—Penalty.] § 1.** It shall not be lawful for any person, company, corporation or association, in said city to exhibit any show, legerdemain, menagerie, figures or other things, nor to perform any feats, such as circus riding or exhibitions, or anything of the like nature, nor to exhibit any panoramas, curiosities or other things, nor to give theatrical or musical performances, or musical concerts or entertainments, nor to perform any tricks such as are played by persons generally known by the name of magicians, rope and wire dancers, nor to preform any slight of hand with cards, cups, balls or other things, where money is charged for admission to hear or see or operate the same, or where money directly or indirectly is charged or solicited for hearing, operating, or seeing any such performances or

exhibitions, without first having obtained a license for that purpose, as hereinafter provided; and any person violating this section, shall forfeit and pay not less than five dollars nor more than one hundred dollars for every offense: *Provided*, that the provisions of this section shall not apply to any public entertainment, the proceeds of which are for the benefit of any religious, charitable, or educational institution located in the city of Peoria.

**1152. License—Terms of—Fee for.]** § 2. Each license shall express for what it is granted and the time it is to continue, and the following tax, or license fee, shall be imposed upon each license granted, as aforesaid, and paid to the city clerk, on the granting of such license, as follows, viz:

**1153. Fees.** § 3. To circus or menagerie companies, their managers or agents, to exhibit and perform for one day, seventy-five dollars; for two days, one hundred dollars; and twenty-five dollars for every day after two days. And when the charge for admission is twenty-five cents or under, fifty dollars for one day, sixty-five dollars for two days, and fifteen dollars for every day after two days.

To proprietors of opera houses and theaters in the city of Peoria for one year, upon the payment to the city treasurer of three hundred dollars in advance: *Provided*, that any opera house or theater in said city of Peoria, which is not licensed by the year, shall be charged license in accordance with the provisions of the following clause:

To managers or agents of theaters, shows, concerts or exhibitions, performances or entertainments of any kind as herein mentioned upon the following terms: When the price of admission to the same is seventy-five cents or under, five dollars per day shall be charged, and where the price of admission is over seventy-five cents, ten dollars per day shall be charged.

**1154. License—City Clerk to Issue.]** § 4. Every such license shall be issued by the city clerk, upon the payment to him of the license tax or fee, and shall be signed by the mayor and countersigned by the comptroller.

**1155. License Subject to Ordinance—and in Discretion of Mayor.]** § 5. Every license granted under the provisions hereof, shall, at all times, be subject to the ordinances of the city existing when the same shall be issued, or which shall thereafter be passed, so far as the same shall apply. And the mayor may, in his discretion, refuse to grant any such license, when he has reasonable cause to believe that the giving of any such proposed exhibition would be a violation of any ordinance of the city.

**1156. Prohibitions in Licenses—Revocation—Penalty.]** § 6. All licenses for entertainments, where a license is required, shall contain a proviso that no gaming, raffle, lottery or chance gift, distribution of money or articles of value shall be connected therewith, or allowed by the person obtaining such license, or in anywise permitted or held out as an inducement to visitors; and also a proviso that no indecent, immoral, lewd or scandalous play or other representation shall be given under such license. Whoever shall violate the provisions of his, her or their license, as aforesaid, shall forfeit and pay a fine of not less than five dollars, nor more than fifty dollars for each and every offense; and it shall be the duty of the mayor to revoke the license of any such person or persons upon conviction for any such offense.

**1157. Concert in Saloon—Permit—Penalty.]** § 7. No person, or persons shall be allowed to give any concert or entertainment in any licensed saloon or grocery, or in any place the entrance to which is through a saloon or grocery, within the city of Peoria, without a special permit from the mayor; and any person, or persons violating the provisions of this section shall be fined not less than five dollars, nor more than fifty dollars, and shall have his license revoked.



**1158. License—How Taken Out—Penalty.] § 8.** It shall be the duty of every proprietor or lessee of any theater, hall, or other place where public entertainments are given before he permits any person, or persons to use the same for the purpose of giving any entertainment therein for gain, to obtain from the mayor the license herein required, either in his own name, or in the name of the person proposing to give such entertainment, under a penalty of fifty dollars for each and every violation of this section.

**1159. Mutilation of Amusement Bills—Penalty.] § 9.** It shall not be lawful for any person or persons to destroy, tear, mutilate, cover over, or otherwise deface or injure, any bill or poster (posted in such place as may be permitted), descriptive of any performance or entertainment given in any licensed theater or hall, or in pursuance of a license given by the city; and any person or persons violating the provisions of this section shall be subject to a fine of not exceeding twenty-five dollars for each and every violation thereof.

**1160. Intoxicating Liquors—Penalty.] § 10.** It shall be unlawful for any person or persons to sell or give away any spirituous, vinous, malt or other intoxicating liquors, in any theater, hall or other building where entertainments are given for gain, or in any room or rooms connected with the same, under a penalty of not less than five dollars, nor more than fifty dollars, for each and every violation of this section.

**1161. Seats in Passage Ways—Penalty.] § 11.** No chairs, stools or seats of any description, shall be placed or permitted to remain in, or across the lobby, aisles or passage ways, in any theater, hall, or other public building, when occupied by the public, under a penalty of ten dollars for each and every violation of this section; and it shall be the duty of the police force to see that the foregoing provisions are strictly observed and, in case of any violation thereof, forthwith to proceed to clear any obstructed aisle, passage way, or lobby, and to arrest the offender or offenders.

**1162. Special Police Patrolmen.]** § 12. It shall be the duty of every owner, or lessee of every licensed theater, hall, or other building, to keep and preserve good order in and about his premises and, to that end, he shall hire and keep at his own expense a sufficient number of special police patrolmen.

**1163. Refusal to Move on After Notice—Penalty.]** § 13. It shall not be lawful for any person or persons to stand in the lobby or outer entrance of any licensed theater, hall, or any other public building, or on the sidewalk adjacent to, and within fifty feet of such entrance, after a request to move on, made by the owner, lessee, or any police officer, under a penalty of five dollars for every such offense.

## ARTICLE 2.

### AUCTION AND AUCTIONEERS.

#### Section,

1164. Auction Sales, to be only by Licensees—Penalty.

1165. License Fee.

#### Section.

1166. Occasional Auction Sales—Penalty.

1167. No Sales on Street—Penalty.

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**1164. Auction Sales—To be Only by Licensee—Penalty.]** § 1. That it shall not be lawful for any person within said city to exercise the business, trade or vocation of an auctioneer, nor to sell or vend at public auction any goods, wares, merchandise or real estate, or any interest therein, without first having obtained from said city a license for that purpose as hereinafter provided; and any person violating this section, shall forfeit and pay not less than five dollars, nor more than one hundred dollars, for every offense: *provided*, that sales at public auction made by sheriffs, masters-in-chancery, coronors, collectors, marshals, policemen, constables, executors and administrators, by virtue of their respective offices, are hereby exempted from the operation of this section.

**1165. License Fee.] § 2.** Any person may become an auctioneer and be licensed to sell real and personal property at public auction, at a place to be named in said license, upon the payment to the city of a license fee as follows:

*First.* To auctioneers for the period of one year for the sum of one hundred dollars. Persons, so licensed to sell at auction, shall have but one regular place of business, to be designated in said license, and shall keep, or use but one auction or sale room, and shall not permit other persons to sell under their licenses.

**1166. Occasional Auction Sales—Penalty.] § 3.** Any other person, who shall desire to sell at auction, shall procure a license for so selling at auction, and shall pay for any such license the sum of ten dollars per day for the first ten days of such sale, and the sum of five dollars per day thereafter during the continuance of any such sale, under a penalty of not less than twenty-five dollars, nor more than one hundred dollars, for each offense.

**1167. No Sales on Street.] § 4.** It shall be unlawful for any auctioneer, or his agent, or crier, to sell or cry, or offer for sale, at public auction, any articles, goods, wares or merchandise, upon any street, alley, sidewalk or public ground; but such auctioneer shall sell all articles and things offered for sale by him at public auction in the rooms or warehouse occupied by him, and he shall so arrange his place of sale in said rooms or warehouse, that no portion of the bidders or bystanders will be compelled or required to stand or remain on the street or sidewalk in front of his said auction rooms or warehouse; and any auctioneer or person convicted of a violation of this section shall forfeit and pay a sum not exceeding one hundred dollars, for every offense, and on conviction for a second offense, the police magistrate or jury trying the cause,

in addition to the fine imposed, may, in his or their discretion, declare the auction license of the defendant forfeited, and such forfeiture shall be entered up as a part of the judgment.

### ARTICLE 3.

#### BARBED WIRE FENCE.

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Section.

1168. No Barbed Wire Fence on Street, Etc.

1169. Refusal to Move.

Section.

1170. Penalty.

**1168. No Barbed Wire Fence on Street, Etc.] § 1.** No fence or barrier consisting or made of what is called "barbed wire" or of which barbed wire is a part, shall be built, constructed, or used within the city of Peoria, along the line of, or in, or upon, or along any street alley or public walk or drive, or through, along or around, any public park; or in or about, or along any land or lots or parks owned or controlled by the city of Peoria.

**1169. Refusal to Remove.] § 3.** Wherever in the city of Peoria, in, along or through any public street, alley or park, barbed wire is now in use in part or in whole for fence or barrier, the same shall be removed; and any party or parties owning, controlling or building the same shall upon written notice from the department of public works, remove such barbed wire within thirty days from service of such notice upon the party or parties so building, controlling or maintaining such barbed wire fence or barrier, and upon failure of such party, or parties to comply with said notice, such party, or parties shall be subject to the fine hereinafter provided.

**1170. Penalty.] § 3.** Any person, or persons violating any of the provisions of this article shall be liable, upon conviction, to a fine of not less than five dollars nor more than twenty-five dollars.

## ARTICLE 4.

## BILLIARD AND POOL TABLES AND BALL ALLEYS.

Section.		Section.	
1171.	Billiard and Pool Tables—License—Penalty.	1173.	Bagatelle Tables — Pin Alleys — License.
1172.	Billiard and Pool Tables—Minors.	1174.	License Fee.

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**1171. Billiard or Pool Table—License—Penalty.] § 1.**  
 It shall not be lawful for any person in said city to keep any billiard, or pool table, or tables with a view of gain, either directly or indirectly, or where money is charged for the use of, or for playing on the same, without first having obtained a license for that purpose, as hereinafter provided; and any person violating this section shall forfeit and pay not less than twenty-five dollars nor more than one hundred dollars for every offense.

**1172. Billiard or Pool Table—Minors—Penalty.] § 2.**  
 It shall not be lawful for any person having a license from said city to keep a billiard or pool table, or tables, to suffer or permit any minor under the age of eighteen years to play at billiards, or pool, at or upon any such table, or to frequent, remain at, or be harbored in or about, any billiard or pool table, or room, and any person violating this section shall forfeit and pay not less than twenty dollars, nor more than one hundred dollars, for every offense; and the magistrate before whom the trial is had may, in his discretion, enter up, as a part of the judgment, a forfeiture of the license.

**1173. Bagatelle Table—Pin Alley—License—Penalty.] § 3.**  
 It shall be unlawful for any person in said city to keep any nine or ten-pin alley, bagatelle table, pin alley or table, or any ball-alley, with a view of gain, either directly or indirectly, or where money is charged for the use of or for playing on the same, without first having obtained a license for that pur-



pose, as hereinafter provided; and any person violating this section shall forfeit and pay not less than twenty-five dollars, nor more than one hundred dollars, for every offense.

**1174. License Fee.** § 4. Licenses may be granted to the keeper of any billiard or pool table, bagatelle table or pin alley, on the following terms and conditions:

*First.* To the keepers of billiard or pool tables, for the term of one year, twenty dollars for every table.

*Second.* To the keepers of bagatelle tables for the term of one year, twenty-five dollars for every table.

*Third.* To keepers of nine or ten-pin alleys for the term of one year, ten dollars for every alley.

## ARTICLE 5.

### BILL POSTING.

#### Section.

1175. Bill Posting—License Required—Penalty.

1176. License Fee.

1177. Obscene and Immoral Illustrations—Posting of—Penalty.

#### Section.

1178. Bill Posting—Prohibition—Penalty.

1179. Bill Poster—Revocation of License.

1180. Posting Bills — Medical Nostrums or Skill—Penalty.

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**1175. Bill Posting—License Required—Penalty]** § 1. No person, firm or corporation shall carry on the business of bill-posting, within the limits of the city of Peoria, without having first obtained a license therefor, under a penalty of not less than twenty-five dollars, or more than one hundred dollars, for each offense.

**1176. License Fee.]** § 2. Every person, firm or corporation carrying on the business of bill-posting within the city of Peoria, shall pay an annual license fee of fifty dollars; *Provided, however,* that any person carrying on the business of bill posting, who does not use a horse and wagon in said business, shall be charged an annual license fee of fifteen dollars.

**1177. Obscene and Immoral Illustrations—Posting of—Penalty.]** § 3. No person, firm or corporation, carrying on the business of bill-posting, shall, within the limits of the city of Peoria, post, or cause to be posted, any advertisement, containing pictures or illustrations of an obscene or immoral character, under a penalty of not less than twenty-five dollars, nor more than two hundred dollars, for each offense.

**1178. Bill Posting—Prohibition—Penalty.]** § 4. No person shall paste, paint, print or nail any hand bill, sign, poster, advertisement or notice of any kind, on any curb-stone, flag-stone or any other portion or part of any sidewalk, or upon any tree, lamp-post, hitching-post, telegraph pole, telephone pole, electric light pole, hydrant, police patrol box, or upon any private wall, door, gate or fence (without the consent, in writing, of the owner of such wall, door, gate or fence), under a penalty of ten dollars for each and every offense.

**1179. Bill Poster—Revocation of License.]** § 5. It shall be the duty of the mayor to revoke the license of any bill poster, who may be convicted of violating any of the provisions of this article.

**1180. Posting Bills—Medical Nostrums or Skill—Penalty.]** § 6. No person shall place or post, or caused to be placed or posted, in any street or other public place, in the city of Peoria, any handbill or advertisement, giving notice of any person having, or professing to have, skill in the treatment or curing of any disorder or disease, or giving notice of the sale or exposure to sale of any nostrum or medicine, under a penalty of twenty-five dollars, for each offense.

## ARTICLE 6.

## BLACKSMITH SHOPS.

## Section.

1181. Blacksmith Shop—Restriction of Location—Permit.

## Section.

1182. Discontinuance of Business—Penalty.

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**1181. Blacksmith Shop—Restriction of Location—Permit—Penalty.]** § 1. That it shall be unlawful for any person in said city to erect, build or place a blacksmith shop, or blacksmith establishment, or to conduct or carry on the business, trade or occupation of a blacksmith, upon any part of any block in said city, without a permit from the city council, and any person violating this section shall be deemed guilty of creating and maintaining a nuisance, and on conviction shall forfeit and pay not less than ten dollars nor more than one hundred dollars: *Provided*, a permit may be granted by the city council to carry on said business, if the owners representing more than one half of the feet frontage around said entire block petition, in writing, for such permit.

**1182. Discontinuance of Business—Penalty.]** § 2. Any person who shall be convicted for a violation of the foregoing section shall, within five days thereafter, discontinue the business, trade and occupation of blacksmithing and blacksmith work on the block where the same was carried on and conducted by him at the time of his said conviction; and any person who shall fail, refuse or neglect to so discontinue said business after the expiration of said five days, shall forfeit and pay not less than twenty-five dollars nor more than one hundred dollars for every day he shall conduct and carry on said business after the expiration of said five days.

## ARTICLE 7.

## BOATS.

## Section.

1183. License to Let—Required.

1184. License Fee—Revocation.

1185. License to Designate Place of Business.

1186. License—Number on Boat.

## Section.

1187. No Letting to Minors—Exception.

1188. Penalty.

1189. Steam Vessels—License.

1190. License Fee—Revocation.

1191. Penalty.

**1183. License to Let, for Hire—Required.] § 1.** No person, firm or corporation shall use, keep or let for hire, any sail or row boat, within the limits of the city of Peoria, without first having obtained a license for each and every such boat.

**1184. License Fee—Revocation.] § 2.** All application for licenses shall be made to the mayor, and upon the payment to the city clerk of two dollars annually for each sail boat, and one dollar annually for each row boat, a license shall be issued by the city clerk, and the mayor may, for cause, revoke any or all of such licenses. Such licenses shall expire on the first day of May in each year.

**1185. License to Designate Place of Business.] § 3.** All licenses, so granted, shall particularly designate the place where said boats shall be kept for hire, which place shall be fixed by the mayor, and no person, firm or corporation shall carry on said business at any other place than that designated in such license.

**1186. License Number on Boat.] § 4.** Every sail and row boat kept for hire, shall have a number, to be designated in the license of the owner thereof, marked on the outer side of such boat, in plain, legible figures, of not less than three inches in length, and one inch in width.

**1187. No Letting to Minors—Exception.] § 5.** No person within the city of Peoria, with or without license, shall

let for hire, or loan, or allow any minor to use any sail, or row boat, upon the Illinois river, without the written consent of the parent, or guardian of said minor.

**1188. Penalty.] § 6.** Any person, firm or corporation, who shall violate any of the provisions of this article, shall be subject to a penalty of not less than ten dollars, nor more than one hundred dollars, for each and every offense.

**1189. Steam Vessels—License.] § 7.** No person, firm or corporation shall use, keep, or let for hire, any steam vessel, steam pleasure boat, or steam tug boat, for the purpose of carrying or conveying passengers, for hire, in and about the harbor of the city of Peoria, or from that point to any place on the Illinois river and return, without first having obtained a license for each and every such steam vessel, steam pleasure boat, or steam tug boat: *Provided*, that this section shall not apply to vessels making regular trips and plying between certain stated points.

**1190. License Fee—Revocation.] § 8.** All applications for licenses of such steam vessels, boats or tugs shall be made to the mayor, and upon the payment of fifteen dollars annually to the city clerk, if the mayor shall consider such person, firm or corporation suitable and proper to be licensed, and that the said steam vessel, steam pleasure boat, or steam tug, is in good repair and first-class condition for its proposed use, a license shall be issued by the city clerk, and the mayor may, for cause, revoke any, or all of such licenses. Such licenses shall expire on the first day of May in every year.

**1191. Penalty.] § 9.** Every person, firm or corporation, who shall violate any of the provisions of this article, where no other penalty is provided, shall be subject to a penalty of not less than twenty dollars, nor more than one hundred dollars, for each and every offense.



## ARTICLE 8.

## BRIDGES.

## Section.

- 1192. Application of this Article.
- 1193. Crossing at a Walk, Only—Penalty.
- 1194. Drove of Cattle or Horses, Limited—  
Steam Engine—Penalty.
- 1195. Unnecessary Delays—Penalty.
- 1196. Law of the Road—to the Right.
- 1197. Obstruction of Passage—Penalty.
- 1198. Processions—Break Step—Penalty.
- 1199. Vessel Signals.
- 1200. Signals Prescribed.

## Section.

- 1201. Duty as to Vessels—When Signal Dis-  
played.
- 1202. Violation—Penalty.
- 1203. Driving on Bridge or Draw After No-  
tice of Opening—Penalty.
- 1204. Appointment of Bridge Tenders.
- 1205. Opening and Closing Bridge and Com-  
pensation of Tender.
- 1206. Tenders to see that Regulations are  
Enforced.

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**1192. Application of this Article.] § 1.** The provisions of this article shall govern and apply to the bridge extending across the Illinois river, from the foot of Bridge street, in said city, and also govern and apply to any other bridge that may hereafter be owned, purchased, or under the control of the city of Peoria, and extending across said river.

**1193. Crossing at Walk Only—Penalty.] § 2.** No person shall ride, lead or drive any wagon, carriage, dray, cart or other vehicle, or conveyance, nor any horse, ox or other animal upon, or over, or across such bridge, at a faster gait, or pace than a common walk, and any person who shall be guilty of a violation of this section, shall, on conviction thereof, for each and every offense, forfeit and pay to said city a sum not less than one dollar, nor more than ten dollars, in the discretion of the court.

**1194. Drove, Cattle or Horses, Limited—Steam Engine—Penalty.] § 3.** No person shall drive or assist in driving on, or across such bridge, to exceed five head of cattle or horses, or twenty head of hogs or other animals, at any one time in a drove, nor shall it be lawful for any person being the owner of, or in charge of, any steam engine, whether the same be propelled and moved by steam or otherwise, to cross, or

attempt to cross said bridge; and any person violating the provisions of this section shall, on conviction thereof, for each and every offense, forfeit and pay a fine of not less than five dollars, nor more than twenty-five dollars, in the discretion of the court.

**1195. Unnecessary Delays—Penalty.] § 4.** That it shall not be lawful for any person, with any team or teams, horses, oxen, cattle, wagon, carriage or any other vehicle, whatever, unnecessarily or wilfully, to remain, or stop on such bridge, or in, or upon the approaches to the same; any person offending against the provisions of this section shall, on conviction thereof, be fined in any sum not exceeding twenty-five dollars, for each offense.

**1196. Law of the Road—To the Right.] § 5.** It shall be the duty of all drivers, or persons in charge of any wagon, carriage or vehicle of any kind, to keep to the right, when crossing such bridge, from either side.

**1197. Obstruction of Passage—Penalty.] § 6.** No person shall gather in assemblies, or crowds, upon such bridge, or upon the approaches leading to the same, so as to obstruct in any manner the passage of foot passengers, teams, carriages, or persons crossing the same, or be and remain upon such bridge at any place longer than will be necessary to pass over the same.

**1198. Processions—Break Step—Penalty.] § 7.** No band of musicians shall play, or beat time, or keep step with each other, while they, or any procession, or body of persons marching with them, or any portion thereof, are upon or crossing such bridge; and any person violating this or the two foregoing sections shall be liable to a penalty of not exceeding twenty-five dollars, and also for all damages that shall result to said bridge, or any individual, or property of any person, by reason of such violation, to be recovered before any court having competent jurisdiction thereof.

**1199. Vessel Signals.]** § 8. The commissioner of public works of the city of Peoria, is hereby required to provide, and have maintained, and placed upon such bridge, in the best and most practical manner, vessel signals, as required by the following section of this ordinance.

**1200. Signals Prescribed.]** § 9. Said signals shall be of some durable material, of a red color for use in the daytime, and a red lantern shall be used as a night signal. Said signals shall be of such size, and so placed, when elevated, that they may be readily seen up or down the river, by those in charge of boats, or vessels approaching the bridge from either direction.

**1201. Duty as to Vessels—When Signal Displayed.]** § 10. It shall be unlawful for the owner, officer or officers, or other person, or persons, in charge of any boat or vessels navigating the Illinois river, or any part thereof, to attempt to pass such bridge over said river, while said signals or either of them, are up and elevated, or to approach so near such bridge that the same may be injured, or damaged, or while the draw of said bridge may be opening or closing.

**1202. Violation—Penalty.]** § 11. Any person who shall violate any of the provisions of the foregoing section, in addition to being chargeable with whatever damage may result to the city by reason of such violation, shall, upon conviction thereof, forfeit and pay a fine of not less than ten dollars, nor more than one hundred dollars, for each and every offense.

**1203. Driving on Bridge or Draw After Notice of Opening—Penalty.]** § 12. Any person or persons who shall drive, or attempt to drive, any carriage, wagon, or other vehicle whatsoever, or shall attempt to lead, ride or drive any horse, or other animal, on the draw, or any foot passenger being on said bridge, who shall attempt to go on the draw of such bridge, while the same is opening or shutting, or after the signal is given for the opening of the same, and before the

opening is begun, or who shall disobey or resist the superintendent, or person in charge of such bridge, in his effort to enforce any of the provisions of this ordinance, or in his efforts to keep and promote order, and equal convenience, among those crossing such bridge, shall, on conviction thereof, for each and every offense, forfeit and pay a fine of not less than five dollars, nor more than twenty-five dollars, in the discretion of the magistrate convicting.

**1204. Appointment of Bridge Tenders.] § 13.** It shall be the duty of the commissioner of public works of said city, to select and appoint three skillful, discreet and cautious persons to be placed in charge of said bridge, who shall supervision and the proper care, management and control of the same, under the direction of said commissioner, and the said commissioner shall prescribe rules and regulations in respect to all matters connected with the use and management of said bridge not herein provided for.

**1205. Opening and Closing Bridge and Compensation of Tender.] § 14.** That said bridge shall be kept open, and free to the use of the public, at all hours, and that the persons, so placed in charge of the same, shall receive, as compensation therefor, such sum as may be provided, in the annual appropriation ordinance of the city, to be paid upon the order of the city council.

**1206. Tenders to See That Regulations Are Enforced.] § 15.** It shall be the duty of the persons so in charge of said bridge, to see that all the provisions of this ordinance are fully observed, and, when necessary to the enforcement of the same, shall call upon the superintendent of police for assistance.

## ARTICLE 9.

## BUILDERS AND CONTRACTORS.

## Section.

1207. License—Penalty.

1208. Application for License.

## Section.

1209. Agreement.

1210. Penalties.

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**1207. License—Penalty.]** § 1. No person shall carry on the business of a builder or contractor for the erection of buildings, repairing of buildings, roofer or cornice maker, or the setting up of heating and ventilating appliances in houses, within said city without first having obtained a license therefor, under a penalty of not less than twenty dollars, nor more than two hundred dollars, for each offense.

**1208. Application for License.]** § 2. Application for a license shall be made in writing, to the mayor; it shall state the full name of the applicant, the firm name under which the business is to be carried on, with the name of each member of any firm, the place of residence of each, and the existing or proposed place of business.

**1209. Agreement.]** § 3. Before any license shall be granted to any person to carry on any of the classes of business mentioned in Section one of this article, the person applying therefor, shall pay the city clerk a license fee of ten dollars per annum, and shall execute and file with the superintendent of buildings an agreement, whereby in consideration of the granting to him of such license he agrees to comply with all the ordinances of said city in the execution and protection of the work he is to do in pursuance of such license, or in default thereof, will submit to such penalties as are, or may be prescribed by the city council.

**1210. Penalties.]** § 4. Any person licensed under this article, who shall be guilty of any violation of any of the provisions of this article, or any of the ordinances of the city, re-



lating to the conduct of the business for which he is so licensed, shall forfeit his license, and shall be subject to a penalty of not less than ten dollars, nor more than one hundred dollars.

## ARTICLE 10.

### BUILDINGS.

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## 1211. Building to Accord With Ordinances—Penalty.]

§ 1. No building or structure of any kind or description shall be erected, constructed, altered or repaired, within the limits of said city, except in the manner prescribed by the ordinances of said city; and whoever shall violate this section shall be subject to a fine of not less than twenty-five dollars, nor more than two hundred dollars for each offense.

1211. Building Not in Accordance with Ordinances—Nuisance—Penalty.] § 2. Any building or structure

erected, constructed, altered or repaired, within said city, in any such manner as not to comply with the ordinances of said city, is hereby declared a nuisance; and the person, persons or corporation so erecting, constructing, altering or repairing any building or structure, shall be subject to a penalty of not less than twenty-five dollars, nor more than two hundred dollars for each offense, and shall be liable to a like penalty for each day any such building or structure shall be permitted to continue in such condition, after a conviction of such violation.

**1213. No Erection, Alteration or Repairs Without Permit—Penalty.]** § 3. No building or structure, and no elevator therein or plumbing or drains therein or connected therewith, shall be erected, constructed, altered or repaired, within said city, without a permit therefor from the superintendent of buildings, and any person guilty of a violation of this section shall, upon conviction, be fined not less than ten dollars, nor more than two hundred dollars, for each offense.

**1214. Ordinary Repairs—Excepted.]** § 4. All ordinary repairs not affecting the construction of the external or party walls, roof, chimneys, stairways or height of a building, nor changing the heating appliances, plumbing or drains, may be made without a permit.

**1215. Dangerous Buildings—Nuisance.]** § 5. Any building, wall or structure, which is unsafe or dangerous to occupants or passers by, or to adjoining buildings, or which is unsafe or dangerous for the purpose for which it is used, or is in danger of being set on fire from any defect in its construction, or is specially dangerous in case of fire, by reason of the bad condition of walls, or lack of sufficient stairways and means of egress in case of fire, or from over-loaded floors, defective construction or other cause, is hereby declared to be a nuisance.

**1216. Dangerous Building—Proceedings—Abatement.]** § 6. Whenever it shall come to the knowledge of the super-

intendent of buildings, or complaint shall be made by two citizens, that any building, wall or structure, within said city, is in the condition, or of the character described in the preceding section, said superintendent shall forthwith fix a time and place, when and where the board for the inspection of buildings shall sit to hear and decide whether any such building is in such dangerous condition, and shall cause a notice of such meeting, stating the time, place and purpose thereof, to be served upon the owner, owners or occupants thereof, if he or they reside within the city, and if the owner, owners, agent or occupants of such building cannot be found within said city, then such notice shall be published for three consecutive days in the official paper of said city. Such notice shall be served or such publication completed at least two days before the time fixed for holding such meeting.

**1217. Hearing—Decision—Order.]** § 7. At such meeting, said board shall proceed to hear all the evidence offered by any one interested in the matter, and also personally inspect the premises, and shall thereupon decide whether or not such building is in any such dangerous condition, and such decision shall be entered at length upon the records of the proceedings of said board, and shall describe wherein the danger exists, and said board shall also enter upon their records an order, directing the owner or owners, agent or occupant, within a reasonable time, to be fixed by said board, and specified in such order, to make the same safe, in such way as may be directed by said board and specified in such order, or to tear down and remove the same, if a removal thereof is deemed necessary by said board.

**1218. Failure to Comply With Order — Penalty.]** § 8. Whenever any owner, or owners, agent, lessee or occupant, shall neglect, or refuse to comply with any order made, under the provisions of the preceding section, within the time specified in such order, he shall be subject to a fine of not less

than ten dollars, nor more than one hundred dollars for each and every day such violation of any such order shall continue after the expiration of the time, specified in such order; and the superintendent shall, upon the direction of the board, for the inspection of buildings, proceed to tear down, and remove said unsafe or dangerous structure, or to make the same safe, as may be directed by said board.

**1219. Cost of Repairs or Removal—Owner to Pay.]**

§ 9. An itemized account of the expense of tearing down and removing such structure, or of putting the same into a safe condition, shall be kept by the superintendent of buildings, and shall be presented to the owner of such structure for payment; in case the owner shall fail or refuse to pay the same on demand, then the same may be recovered from such owner in an action of debt in the name of the city.

**1220. Dangerous Condition—Emergency.]** § 10. In all cases where the public safety requires immediate action, the superintendent may enter upon the premises, without the preliminary direction of the board, with such assistance as may be necessary, and cause said structure to be secured, or taken down without delay.

**1221. Buildings Moved, or Raised Only by Licensed House-Movers.]** § 11. No person, except a licensed house-mover, shall move or raise any building in the city of Peoria.

**1222. No Removal Without Permit.]** § 12. No person shall remove any building, or structure from one place to another, or raise any building, in said city, without having first obtained from the superintendent of buildings a permit therefor.

**1223. When Frame Building Not to be Removed.]** § 13. No frame building in the city of Peoria, shall be removed unless such building is worth 50 per cent. of the cost of a similar new building; and the board for the inspection of buildings shall determine as to the value of any such building,



and their decision shall be final. *Provided*, that this section shall not apply to any persons removing a building upon his own premises, and not going upon the premises of any other person, or upon any street, alley or other public place in making such removal.

**1224. Permits for Removal, Etc.—How Granted.] § 14.** Before any permit for the removal or raising of any building shall be granted, the licensed house-mover who proposes to do the work, shall make application, in writing, upon blanks to be furnished by the superintendent of buildings, to the superintendent of buildings, stating the building proposed to be removed or raised, and where located, the place to which it is proposed to remove said building, or how much the same is to be raised, the route to be taken, and the time probably required for such removal, and he shall at the time of making such application, pay a fee of two dollars; and if upon the consideration of such statement, and a personal inspection of the building, the route, and place to which it is proposed to move the same, it shall appear to said superintendent, that such removal, or raising of such building is in accordance with the ordinances of the city, and all regulations thereof relating to the erection, construction, alteration and repair of buildings, then said superintendent shall grant a permit for such removal or raising, otherwise such application shall be submitted to the board for the inspection of buildings, for final action thereon, and said superintendent, or said board, upon granting any such permit, shall prescribe such conditions, as to the manner in which the same shall be done, as may be deemed necessary to to the public interest, and not inconsistent with these ordinances.

**1225. Permits—What to Specify—Violation of—Penalty.] § 15.** Every permit, for the removal or raising of any building shall prescribe, specifically, the conditions upon which such permit is granted, prescribing the route to be taken, and

limiting the time for the removal; and any person who shall fail, neglect, or refuse to comply with the conditions and provisions of any such permit, shall, upon conviction, be fined not less than ten dollars, nor more than one hundred dollars for each offense, and for every day any building shall remain upon any street, alley or public place, after the expiration of the time specified in any permit for the removal of the same shall subject the offender to a penalty of not exceeding twenty-five dollars.

**1226. Permit for Erection, Etc., of Building--Application--Issuance.]** § 16. Before the erection, construction, alteration or repair of any building or structure, or any elevator, hoistway, plumbing, drain or heating appliances, in or connected with any building or structure, in the city of Peoria, the owner, architect or builder, shall submit to the superintendent of buildings, at his office, full specifications and plans of the proposed construction, alteration or repairs, and file a detailed statement thereof in writing; such statement shall give:

*First.* The location of the proposed work.

*Second.* General dimensions, number and height of stories.

*Third.* Dimensions of joists and timbers and distance apart.

*Fourth.* Dimensions of supporting iron work.

*Fifth.* For what purpose the building is designed to be used.

*Sixth.* The estimated costs thereof.

The owner, his agent or architect, shall then sign an agreement that he will construct the work in accordance with the description as set forth in the specifications, plans or detailed statement, and in all matters and things connected with such construction or alteration of any building, shall be done in strict compliance with the ordinances of said city, and the direction of said superintendent. If, upon consideration of such

specifications, plans, statement and agreement, it shall appear to said superintendent that the manner of erection, character of construction and kind of material, are in accordance with the ordinances of said city, the said superintendent shall thereupon grant a permit to make such construction or alteration, and it shall not be lawful to proceed to construct, alter or repair any building within the corporate limits of said city, without first obtaining said permit. The fees prescribed by ordinance shall be paid at the time of making the application for a permit, but the amount of the fees shall be fixed by the superintendent after examination of the application, and the fees so fixed by him shall be paid before any permit shall issue.

**1227. Form of Statement Prescribed by Board—Blanks.]** § 17. The form of the application and detailed statement, and agreement required by the preceding section, shall be prescribed by the board for the inspection of buildings, and may be obtained at the office of the superintendent.

**1228. Kind of Buildings Allowed in Fire Limits.]** § 18. Every building hereafter erected within the fire limits of the city shall be of brick, stone, iron or other substantial and incombustible material, and only the following wooden buildings shall be allowed, viz: temporary sheds to facilitate the building of authorized buildings, and elevators for the storage of grain, and ice houses, and the materials in all buildings, the mode of construction, and the location shall be approved by the superintendent of buildings.

**1229. Wooden Building May be Repaired.]** § 19. Any wooden building within said fire limits may be altered or repaired in any manner approved by the superintendent, provided neither its area nor its height is increased.

**1230. Moving Wooden Buildings.]** § 20. No wooden building within or without the fire limits shall be moved to any lot or part of a lot within the fire limits.

**1231. Roofs of Frame Buildings Damaged by Fire, Etc.] § 21.** The roof of any frame building more than one story high that is damaged by fire or otherwise less than 50 per cent. of the cost of a similar new roof may be repaired. If the roof is damaged more than one half such value, the entire roof shall be taken off, and a new roof put on, having a covering of incombustible material.

**1232. Frame Buildings May Have Flat Roofs.] § 22.** Any frame building within the fire limits having a pitched roof, covered with shingles or other combustible material, may have a flat roof of incombustible material substituted for the pitched roof, and the walls of the building carried up to meet the requirements of such change in the pitch of the roof; *Provided*, always, that the highest point of such flat roof shall not exceed the highest point of the roof to be removed.

**1233. Coal Sheds and Privies in Fire Limits.] § 23.** Coal sheds may be erected in the fire limits not exceeding ten feet in height at the highest point thereof, and not exceeding one hundred feet in area, and privies, when not in violation of any other ordinance of the city may be constructed of wood, not exceeding thirty-six feet area or ten feet high at the highest point; such sheds and privies shall be separate structures,

**1234. Calculation for Strength of Materials.] § 24.** In all calculations for the strength of materials to be used in any building, the proportion between the safe weight, and the breaking weight shall be as one to three for all beams, girders and other pieces subjected to a cross strain, and as one to six, for all joists, columns and other vertical supports, and for all tie rods, tie beams, and other pieces subjected to a tensile strain.

**1235. Sale of Imperfect Material—Penalty—Superintendent May Cause Such Removed.] § 25.** It shall be unlawful for any person, persons, firm or corporation, to dispose of or deliver at any place within the city of Peoria, to be used

in any building of structure, any soft, shelly, or imperfectly burned or refuse brick, or any other unsuitable material; and whoever shall violate the provisions of this section shall, upon conviction, be fined not more than two hundred dollars for each offense. The superintendent of buildings shall have the power to order the removal of any soft, shelly, or imperfectly burned or refuse brick or other unsuitable materials, found adjoining, or upon any premises within said city, where buildings, repairs, alterations or additions are in progress, and it shall be the duty of the owner, architect or builder, upon being notified by the superintendent of buildings, to immediately cause the same to be removed, under a penalty of not less than ten dollars, nor more than two hundred dollars for every such offense.

**1236. No Buildings to be Altered until Approved.]**

§ 26. No building now, or hereafter erected shall be altered until it has been examined and approved by the superintendent as being in a good and safe condition to be altered as proposed, and the alteration so made, shall conform to the provisions of the ordinances of the city.

**1237. When Building Not to be Repaired.]** § 27. It shall be unlawful to repair any frame building within the limits of the city of Peoria, when such building shall have been damaged by fire or decay to the extent of fifty per cent. of the cost of such building.

**1238. Arbitration for Damaged Buildings.]** § 28. Whenever any frame building, shall have been damaged by fire or other casualty, or decay, to an extent which in the judgment of the superintendent of buildings exceeds fifty per cent. of the cost of such building, if the owner, or owners of such building, objects to such conclusion arrived at by said superintendent, he or they, may file with said superintendent a petition asking for arbitrators to determine the question of damage, or if the superintendent should conclude that the



damage is less than fifty per cent. then, and in that case, the owner, or owners of adjacent property may claim an arbitration to ascertain the damage to such building. In either case the party asking for arbitration shall pay fifty dollars to the superintendent on filing his petition, which shall be in full of all costs of such arbitration. The arbitrators shall consist of three disinterested persons, one to be chosen by the superintendent, and one by the owner, and the two thus chosen shall select a third, and a decision of a majority of the persons so selected shall be final and conclusive.

**1239. Proceedings by Arbitrators.] § 29.** Arbitrators selected to ascertain such extent of damages, before entering upon their work shall take and subscribe an oath before some officer authorized to administer oaths, that they will make a thorough examination of the premises damaged as aforesaid, and make a just and true report to be signed in duplicate, the original to be handed to the superintendent of buildings, and the duplicate given to the owner of the premises in question, and a report of a majority of such board of arbitrators on the question of such damages, shall be conclusive of such question.

**1240. Owner to Ask for Arbitration.] § 30.** Whenever the owner, agent or agents, shall refuse or neglect after five days' notice in writing, to petition for arbitration, it shall be lawful for the superintendent to declare the premises, described in such notice, as having been damaged to the extent of fifty per cent. of its value.

**1241. Elevator for Grain and Ice Houses.] § 31.** Any elevator building or ice house may be constructed of wood, the external walls and roof being protected by an envelope of incombustible material. The walls of the first story of elevators shall be of masonry not less than twenty inches thick; all window frames, and sash in the upper structure shall be of iron; the openings shall have protection of wire grating No.

14 guage, with meshes not over one-half inch. The openings in the body of the building, and in the engine house shall have suitable iron shutters.

**1242. Construction of Buildings.] § 32.** All buildings hereafter erected within said city, other than frame or wooden building, shall have all walls constructed of stone, brick, iron or other hard, incombustible material, properly bonded, and solidly put together with close joints, and the walls of all buildings shall be built to a line and be carried up plumb and straight, and the several component parts of such building, shall be built and constructed in such manner as herein provided.

**1243. Depth of Foundation.] § 33.** All foundation walls shall not be less than four feet below the surface of the earth, where exposed to frost, on good solid bottom, and in case the nature of the earth requires it, piles should be driven, or timbers laid of sufficient size and thickness, to prevent the walls from settling. The top of such piles or timber bottom, must be driven or laid below the line of sewer drainage. All piers, columns and posts resting on the earth, shall be set on a bottom, in the same manner as the foundation walls.

**1244. Piling.] § 34.** Piles driven for a wall to rest upon, shall be not less than five inches in diameter at the smallest end, and shall be spaced not more than three feet on centers in the direction of the length of the wall, and nearer if required by the superintendent; they shall be driven to a solid bearing, to be ascertained by boring, at the expense of the owner when required by the superintendent. All piles must be cut off below sewer drainage.

**1245. Foundations.] § 35.** Proper foundations of masonry shall be prepared for the support of all buildings. The breadth of the foundation of the several parts of any building shall be proportioned so that, as nearly as practicable, the pressure shall be equal on each square foot of the founda-

tion. Water, lime, cement and mortar shall be used in the masonry of all foundations exposed to dampness. As soon as the walls of any building are built above the grade of the street or lot, it shall be the duty of the contractor, or owner to have the space on the outside of said walls, filled up in a substantial manner, and if said building is erected on or near any alley line, and the alley is paved, it shall also be the duty of the contractor or owner to grout said space and replace any pavement impaired or removed in a thorough and substantial manner as soon as said walls are above grade.

**1246. Construction of Masonry Walls.] § 36.** The walls of all buildings shall, below the surface of the ground, be built of stone or brick laid in cement mortar, and the backing up of all stone ashler, shall also be laid up with cement mortar; all other walls may be built of brick, stone; iron or other hard incombustible material; and when brick or stone are used they shall be laid in lime or cement mortar. The bricks used in all buildings shall be hard, well burned brick; no swelled, refused, soft or salmon brick shall be used, and in all brick walls every sixth course shall be a heading course, except, however, where walls are faced with brick in running bond, in which case every sixth course shall be bonded into the backing by cutting the course of face brick and putting diagonal headers behind the same, or by splitting the face brick in half and backing the same with a continuous course of headers. All brick laid in non-freezing weather shall be well wet immediately before being laid. The sand used for mortar in all buildings shall be clean, sharp sand, and shall not be finer than the standard samples kept in the office of the superintendent of buildings, which samples shall be approved by the board for the inspection of buildings, and be kept in suitable glass jars, for guidance of the officers and for the inspection of the public. Cement mortar shall be made of sand and cement in the proportion of not more than three parts of sand to one part of cement, and shall be used as soon as mixed. Lime

mortar shall be made of not more than three parts of sand to one part of lime, and shall not be used before being thoroughly slacked. Cement and lime mortar shall be made of one part of cement, one part of lime and five parts of sand. Concrete foundations shall be made of one part of cement, two parts of sand, and three parts of small broken stone, all carefully mixed. No inferior lime or cement shall be used. The joints of all walls shall be filled with mortar, and the joints of all flues shall be struck perfectly smooth on the inside.

**1247. Thickness of Wall.] § 37.** All walls for business buildings one hundred feet or more in length, shall be not less than the thickness designated in the following table:

(See next page for table.)

Inclosing Walls.						Basement	1st Story	2d Story	3rd Story	4th Story	5th Story	6th Story	7th Story
						In.	In.	In.	In.	In.	In.	In.	In.
One story high	-	-	-	-	-	12	12						
Two stories high	-	-	-	-	-	16	16	12					
Three stories high	-	-	-	-	-	16	16	12	12				
Four stories high	-	-	-	-	-	20	20	16	16	12			
Five stories high	-	-	-	-	-	24	20	20	16	16	12		
Six stories high	-	-	-	-	-	28	24	20	20	16	16	12	
Seven stories high	-	-	-	-	-	32	28	24	24	20	16	12	12
<b>Division or Party Walls in Business Buildings.</b>													
For 3-story buildings	-	-	-	-	-	16	12	12	12				
For 4-story buildings	-	-	-	-	-	20	16	16	12	12			
For 5-story buildings	-	-	-	-	-	24	20	20	16	16	12		
For 6-story buildings	-	-	-	-	-	24	20	20	20	16	16	12	
For 7-story buildings	-	-	-	-	-	24	20	20	20	20	16	16	12
<b>Front and Rear Walls, if Not Bearing Walls, in Business Buildings.</b>													
Of 4-story buildings	-	-	-	-	-	20	16	16	12	12			
Of 5-story buildings	-	-	-	-	-	20	20	16	12	12	12		
Of 6-story buildings	-	-	-	-	-	24	20	20	16	16	12	12	
Of 7-story buildings	-	-	-	-	-	24	20	20	20	16	16	12	12
<b>Cross Partition Walls in Business Buildings.</b>													
For 1 story	-	-	-	-	-	12	8						
For 2 stories	-	-	-	-	-	16	12	12					
For 3 stories	-	-	-	-	-	16	12	12	12				
For 4 stories	-	-	-	-	-	20	16	16	12	12			
For 5 stories	-	-	-	-	-	20	20	16	16	12	12		
For 6 stories	-	-	-	-	-	24	20	20	16	16	12	12	
For 7 stories	-	-	-	-	-	24	20	20	20	16	16	12	12



In four story buildings, less than one hundred feet deep the third and fourth story walls may be twelve inches; five story building less than one hundred feet deep, may have the walls of the fifth story twelve inches; in five story buildings any front, or rear wall supporting beams or girders shall be increased eight inches by two feet forming buttresses or pilasters directly under such beams or girders.

**1248. Height of Stories.] § 38.** The height of stories for all given thickness of walls must not exceed eleven feet in the clear for basement, eighteen feet in the clear for the first story, fifteen feet in the clear for the second story, and fourteen feet in the clear average height of upper stories. If any story exceeds these heights, respectively, the walls of such story and of all the stories below the same shall be increased four inches in thickness additional to the thickness already required.

**1249. When Walls Are to be Increased.] § 39.** Whenever it is sought to increase the height of any building beyond the height for which the original permit was granted, the thickness of the walls thereof shall also be increased in accordance with the above table, but no additional height shall be added until a permit is granted for the same.

**1250. Walls for Trussed Roofs.] § 40.** The outside walls of rooms having trussed roofs or ceilings, such as churches, public halls, theaters, dining rooms, or the like, if more than fifteen and less than twenty-five feet high, shall average at least sixteen inches; if over forty-five feet high, at least twenty-four inches in thickness. An increase of four inches in thickness shall be made in all cases where the walls are over one hundred feet long, unless there are cross walls of equal height.

**1251. Buttresses.] § 41.** If solid buttresses are employed, with a sectional area of three hundred or more square

inches, placed less than eighteen feet apart, and extended to, or nearly to the top of walls, four inches may be deducted from the thickness of any wall having such buttresses.

**1252. Cut Stone and Ashlers.]** § 42. Cut stone facing of walls shall be backed up with brick work of the same thickness required where no cut stone is used; in cases where the cut stone is in a great measure self supporting, four inches less of brick backing may be used; ashler fronts properly bonded to the brick work may have backing the same as self supporting stone fronts or wall.

**1253. Party Walls.]** § 43. Any party wall now existing, that shall have been built conformably to the requirements of the ordinance regulating the construction of such walls, and in force at the time of such construction, if sound and in good condition, may be used in the construction of an adjoining building; *Provided, however,* that no brick work shall be placed on such wall to give additional height to the wall unless the thickness of such additional wall and the thickness of the old wall in each story shall at least equal the thickness required for division walls of same height for business buildings as required for division walls. This shall apply in all cases where it is desired to add additional height to any business building. In case of outside walls of any business building being built against the walls of any old building (not being a party wall) the new wall shall be of the same thickness required for outside walls in such building.

**1254. Openings in Party and Division Walls.]** § 44. No opening, or doorway shall be cut through a party, or division wall of any brick building without a permit from the superintendent of buildings, and every such doorway shall have a top, bottom and sides of stone, brick or iron, shall be closeted by two sets of wrought iron or metal-covered doors (separated by the thickness of the wall) hung to rabbited iron frames, or to wooden frames entirely covered with metal or

of iron hinges in brick or stone rabbits; it shall not exceed ten feet in height, by eight feet in width, and any opening other than a doorway shall be protected satisfactorily to the superintendent.

**1255. Piers Under Lintels, Girders, Plates and Columns.]** § 45. Brick piers under lintels, girders or columns of brick buildings shall have a cap iron at least two inches thick the full size of the pier. Metal columns placed on top of the other shall have a plate at the top of each column, with projections on all sides to fit into the cap and base of columns to prevent slipping, and all columns shall have holes bored when directed by the superintendent of buildings into, and through the shell at right angles to the shaft, so as to show the thickness of the shell, if required. All bearing parts of columns and plates shall be planed, or turned to true surface.

**1256. Piers and Buttresses to be Bonded.]** § 46. Brick piers and buttresses shall be bonded with through courses, leveled and bedded each course, and where their foundations rest on piles a sufficient number shall be driven to insure a proper support.

**1257. Columns.]** § 47. Every metal column in a brick building shall rest on an iron plate of not less thickness than two inches. Wooden columns supporting girders and floors in such buildings shall be set on inch and a half iron plates with sockets or counter sinkages.

**1258. Domes and Mansard Roofs.]** § 48. Domes of any business building shall be made so as to entirely exclude wood in their construction. All mansard, or other roofs having a greater inclination than 65 degrees, shall be rendered fireproof by coating the sheathing at least one inch deep with a firm plaster or cement immediately under the incombustible weather covering of such roofs; strips one inch square may be fastened to the sheathing, to receive the fastenings of the slate, tile or metallic roofing; the cement plasterings to be laid flush with such strips.

**1259. Slate Covering.] § 49.** Slate covering of roofs in fire limits, having less inclination than 65 degrees, or for roofing of spires or similar construction, may be fixed directly to wood sheathing or lath: *Provided*, that each course of slating shall be pointed with cement in the joints as far as such points are to be covered by the succeeding course; also that a bed of similar cement shall be spread on the sheathing at the upper end of the slate, at least five inches in width, and made flush with the course of slate already laid, and forming a bed for the succeeding course of slate. When slates are secured to lath, the entire under side of such slate roofing shall be pointed with cement mortar in the usual and best manner.

**1260. Thickness of Walls for Dwellings.] § 50.** All walls for dwelling houses in the city limits shall be not less than the thickness designated in the following table:

Walls of Dwellings.								Basement	1st Story	2d Story	3d Story	4th Story
								In.	In.	In.	In.	In.
Basement and 2 stories	-	-	-	-	-	-	-	12	12	8		
Basement and 3 stories	-	-	-	-	-	-	-	16	16	12	8	
Division walls, basement and 2 stories	-	-	-	-	-	-	-	12	12	12		
More than 3 stories	-	-	-	-	-	-	-	16	16	12	12	12
Division walls, basement and 3 stories	-	-	-	-	-	-	-	12	12	12	12	
Division walls, basement and 4 stories	-	-	-	-	-	-	-	16	12	12	12	12
When 1st story, or basement and 1st story, for shops or stores.												
2 stories and basement	-	-	-	-	-	-	-	12	12	12		
3 stories and basement	-	-	-	-	-	-	-	16	12	12	12	
4 stories and basement	-	-	-	-	-	-	-	20	16	12	12	12
3 story building, division wall	-	-	-	-	-	-	-	12	12	12	12	
4 story building, division wall	-	-	-	-	-	-	-	16	16	12	12	12

**1261. When Not to Exceed Eighty Feet in Height.]**

§ 51. No building hereafter erected, except churches and grain elevators, shall exceed a greater height than eighty feet to the highest point from the level of the sidewalk, exclusive of chimneys and party walls above the roof, unless the same is constructed throughout of incombustible material excepting interior finish.

**1262. Fire-Proof Buildings.] § 52.**

Every building hereafter erected, within said city, of more than eighty feet in height from the level of the sidewalk to the highest part, except chimneys and fire walls, above the roof, shall be built fire-proof that is to say, shall be constructed with walls of brick, stone, iron, or other hard incombustible materials, in which timber lintles, or bond timbers shall not be placed, and in which the floors and roofs shall be of materials similar to the walls. The stairs and staircase landings shall be built entirely of brick, stone, iron, or other hard incombustible materials. No wood work, or other inflammable materials shall be used in any of the partitions, furrings, or ceilings, in any such fire-proof buildings, excepting, however, that the doors and window frames, the trims, casings, the interior finish and the floor boards, and sleepers directly thereunder may be of wood.

In all fire-proof buildings hereafter constructed, the following rules must be observed:

1. All iron columns shall be made true and smooth at both ends and shall rest on cast-iron plates, and have cast-iron caps, which shall also be made true. All iron trimmers, beams, headers, and tall beams, shall be suitably framed and connected together, and the iron girders, columns, beams and trusses, and all other iron work of all floors and roofs shall be strapped, bolted, anchored, and connected together, and to the walls, in a strong and substantial manner.



2. Under the ends of all beams where they rest on the walls, a stone or cast-iron template must be built into the walls, said template to be at least twelve inches wide and not less than sixteen inches long.

3. All brick, or stone arches placed between iron floor beams, shall be at least four inches thick, and have a rise of at least one and a quarter inches to each foot of span between the beams. Arches over five feet span shall be properly increased in thickness as required by the superintendent of buildings, or the space between the beams may be filled in with sectional hollow brick of burn clay, or some equally good fire-proof material, having a depth of not less than one and one-quarter inches to each foot of span, a variable distance of not over six inches in the span between the beams being allowed.

4. The said brick arches shall be laid to a line on the centers, with close joints, and the brick shall be well wet, and the joints filled with cement mortar, in proportion of not more than two parts of sand to one of cement by measure; the arches shall be well grouted, and pinned, or chinked with slate and keyed.

**1263. Fire Walls in Dwellings, Etc.] § 53.** All dwelling houses in fire limits, including those having first story, used for business purposes, and all other buildings that are not more than two stories high, having flat roofs, shall have their sidewalls extend 16 inches above the roof, and not less than 8 inches thick, to have proper copings of incombustible material; double pitched roofs to have their division and side walls carried up, forming fire walls in same manner; walls at the eaves of all roofs (except flat roof) shall be carried up their full thickness, flush with the upper edge of the rafters of the roof, and the sheathing board shall be bedded in mortar on such walls.

**1264. Fire Wall in Business Buildings.]** § 54. Business buildings, more than two stories high, having flat roof, shall have their side walls carried two feet above the roof; and division and party walls not less than 12 inches thick, shall have copings of incombustible materials; front walls may terminate flush with the upper surface of the sheathing of the roof. Division or party walls shall extend through mansard or other steep roofs, not less than 16 inches, and have copings the same as other fire walls.

**1265. Rear Wall Within Fire Limits.]** § 55. Any building within the fire limits, not more than three stories high, may have the rear wall terminate flush with the upper surface of the sheathing of the roof, provided, that the gutter at the eave of such roof is entirely of metal, or of wood enveloped with metal, such metallic work to extend across and cover the walls and be properly secured to sheathing of roof.

**1266. Chimneys and Flues—Construction of.]** § 56. No chimney shall be built with less than 4-inch walls, and no chimney top shall be less than 5 feet above the roof (for flat roof), and two feet above the ridge of any pitched roof; ordinary flues in business buildings shall have 4-inch walls and 8-inch jambs; flues larger than 250 square inches, and less than 500 square inches, shall be surrounded with walls not less than 8 inches thick; the wall of such flue above the inlet funnel shall be 12 inches thick for the first 15 feet around and above such inlet; tops of chimneys to be at least 8 feet above the roof, or 5 feet above the highest part of the roof within 50 feet of such chimney. All fire flues shall be smoothly plastered inside and outside, joints well flushed and struck in best manner.

**1267. Large Chimneys to be Disconnected From Buildings—Height of.]** § 57. All chimneys flues with larger than 1,800 square inches, shall be disconnected from

any main building, and shall be at least 10 feet above the highest building within a radius of 60 feet, and in no case less than 80 feet high.

**1268. Walls to be Anchored to Joists, Etc.] § 58.** In brick walls, every seventh course shall be headers. All walls shall be securely anchored to timbers and joists resting upon them. Anchors to be not more than eight feet apart.

**1269. Hollow Walls.] § 59.** Hollow walls, not bearing walls, may be used in all cases; but all hollow walls shall be bonded or tied together with incombustible anchors, placed not more than three feet apart; provided, that in no case shall the ends of the joists or other woodwork be allowed to come within four inches of the hollow space.

**1270. Backing for Iron Fronts.] § 60.** The backing of any iron front that is not wholly self supporting shall be treated as an independent wall. If the iron wall is self-supporting, then the party wall shall be extended to meet the outer thickness of iron, and vacancies shall be filled with grout to insure a complete separation, from adjoining buildings.

**1271. Composition Roofs Within Fire Limits.] § 61.** The weather coverings of all roofs in the fire limits shall be made of incombustible materials. Composition roofs shall be made of not less than three-ply No. 2 felting, which shall be well cemented together, and be covered with distilled composition and clean screened gravel well bedded; such roofs on all buildings that are more than two stories high, shall have four-ply felting, to be swept off and have a second coating of distilled composition and gravel. The pitch of composition roofs shall not exceed two inches too the foot. No uncovered tar, composition, resin, or felt, shall in any way, be exposed on any roof or its appendages within the limits of the city.

**1272. Skylights—To be Protected.] § 62.** All skylights, exceeding 50 superficial feet, if set in wood, the same shall be entirely enveloped in galvanized iron. Glass in all

skylight, if not "prismatic lights," shall be protected with screens made of No. 10 (or heavier) wire, with meshes not exceeding  $1\frac{1}{2}$  inches, such screen to be secured to the sash and kept at least 4 inches above the glass.

**1273. Water Leaders—Metalic.] § 63.** All buildings hereafter erected shall be kept provided with metalic leaders for conducting water from the roof to the ground, sewer, street or gutter, in such manner as shall protect the walls and foundations from damage; and in no case shall the water from such leaders, or otherwise, be allowed to flow upon the sidewalks, but shall be conducted by drain pipe to the storm water sewer or by covered channel in the sidewalk to the gutter.

**1274. Cornices, Etc.—Construction of.] § 64.** All cornices, gutters, eaves and parapets hereafter erected in the fire limits shall be made of incombustible material. All metal cornices shall be riveted together with rivets not more than two inches apart, and shall be supported with iron brackets of  $\frac{1}{4} \times 1\frac{1}{4}$  (or heavier) iron, placed not more than four feet apart and firmly secured to the wall. The roof or covering of all cornices may be sheathed with wood, provided such sheathing shall be entirely covered with metal, or where composition roof is used, it may extend within six inches of the front edge of the cornice, which space of six inches shall be of metal. Cornices constructed of stone shall not extend more than 30 inches beyond the face of the wall, and their preponderating weight shall be upon the wall.

**1275. Scuttle to Reach Roof.] § 65.** All roofs shall be constructed so as to be reached by a scuttle, or by iron steps or ladders fastened to the outside of the outer wall; if by scuttle, the same shall be at least 20x30 inches, the frame and lid covered with metal, and shall have a stationery ladder communicating with such scuttle.

**1276. What Buildings to Have Stand Pipes.] § 66.** All buildings more than three stories high, shall have one or more

2½-inch (or larger) metallic stand pipes, as the fire marshal may direct, extending above the roof, and arranged so that engine hose can be attached from the street. All hose couplings shall conform to the size and pattern adopted by the fire department.

**1277. Floors Deadened—When.]** § 67. All buildings within the fire limits more than three stories high, shall have all their floors deadened with mortar, or its equivalent, spread at least one inch thick.

**1278. Signs.]** § 68. All signs placed on any building above the sills of the third story windows, shall be made of incombustible materials. No wooden signs shall be more than two feet in width, and above the second story must be placed close to the wall.

**1279. Headers—Joists and Floor Beams.]** § 69. All floor beams, joists and headers, shall be kept at least four inches clear of any wall enclosing a fire flue or chimney breast, and the space left between the framing and such flues shall be filled solid with guaged mortar, to be a heavy coat of plastering put on the walls of such flues before any other wood work shall be placed against it.

**1280. Fire Places and Hearths.]** § 70. All hearths, for ordinary fire places, shall rest on trimmer arches, the header kept at least eighteen inches from the face of the chimney breast. The backs of all fire places shall not be less than eight inches thick, all stove-pipe holes shall have proper thimbles and stoppers.

**1281. Joists and Beams.]** § 71. Ends of joists or beams entering a brick wall shall be cut so as not to disturb the brick work by any defection or, breaking of the joists or, beams. All such joists or timbers entering a party or division wall from opposite sides shall have at least four inches of solid brick work between the ends of such timber or joists.



In business buildings, where the upper stories are intended for flats or offices, and the bearing walls do not extend up and through the building, girders supported by columns must be placed to carry the ends of the floor joists, and in no case shall the ends of the floor joists rest on a stud partition. All buildings for residence and business purposes shall have the brick project not less than one and one-half inches inside of the face of the wall between the joists of each floor and ceiling joists.

**1282. Support of Girders.] § 72.** Joists and girders in any building shall be of proper dimensions to sustain the load designed to be placed upon them; girders may rest on piers of brick or stone, or upon columns of wood or iron of proper dimensions. All floor joists shall be properly bridged with cross-bridging. All headers in floor framing of business buildings that are placed at a greater distance than two feet from the end of a trimmer, shall be placed in proper iron stirrups.

**1283. Hoistways.] § 73.** Hoistway openings shall have trap doors (covered with metal on the under side) on all floors except where elevators are used, with sufficient guards for protection during the hours of business, and said doors shall be kept closed at all other times.

**1284. Construction of Elevator Shaft.] § 74.** Hoistways in which elevators shall be used, shall have a fire-proof shaft started at the lowest point reached by such elevator, and from such point, extended up through and six feet above the roof. Open passenger elevators within the well-hole of an open stairway are not prohibited; provided, however, said elevator openings shall be protected by a substantial guard, and said well-hole shall be constructed of brick.

**1285. Elevator Shafts—Doors to, Etc.] § 75.** All doors in shafts of elevators shall have latches so contrived that a key shall be used to unlatch the doors from the outside, but may have a knob or handle to open the door from the inside.

Doors in such shaft shall be made of metal, and the catches, or fastenings upon such doors shall be so placed that they can be opened only from the inside of the shaft, and entirely under the control of the elevator operator.

**1286. Fire Escapes—When Required.]** § 76. All buildings, except such as are used for private residences exclusively, of three or more stories in height, shall be provided with one or more metallic ladders, or metallic fire escapes, extending from the first story to the upper stories of such buildings, and above the roof, and on the outer walls thereof, in such location and numbers, and of such material and construction as the board for the inspection of buildings may, from time to time, determine. After such determination shall have been made as aforesaid, the superintendent of buildings of said city may at any time, by notice in writing served upon such owner, lessee or occupant, of any building by leaving such notice with such owner, lessee or occupant, or either of them, to cause such metallic ladders or fire-escapes to be placed on such building within thirty days after the service of such notice: *Provided, however*, that all buildings more than two stories in height, used for manufacturing purposes, shall have one metallic ladder for every twenty-five persons, or less, employed above the second story.

**1287. Walls, Etc., Not to Project Beyond Building Line.]** § 77. The face of any wall, pilaster or column, of any building, above the level of its main water table, unless such column or pilaster is merely a part of any portico or window, or window dressing, shall not project beyond the building line.

**1288. Iron Shutters.]** § 78. All brick buildings which are more than two stories or above twenty-five feet in height above the curb level already erected, or that may hereafter be erected, except dwelling-houses, school houses and churches, shall have doors, blinds or shutters made of iron or

other fire resisting material to be approved by the superintendent of buildings, on every window or entrance on the sides and rear walls of such building ; and when such shutters and doors cannot be put on the outside of such door or window, they shall be on the inside, and be hung on an iron frame independent of the wood work of the window frame or door, or to iron hinges in rabbits in the masonry; and every such door or shutter shall be closed upon the completion of business of each day, by the occupants having the use or control of the same ; and all fire-proof shutters that now are or may hereafter be put upon any building, shall be so constructed or arranged that they can be readily opened from the outside by the firemen.

**1289. Porticos and Oriel Windows.] § 79.** Porticos to any building extending through one or two stories may have their plinths extended 4 feet over the building line, but bay or oriel windows to dwelling houses shall have the body of such window not more than 3 feet over the building line, and no part of such window shall be at a less distance than  $8\frac{1}{2}$  feet above the grade of the sidewalk; brackets projecting not more than 14 inches shall be kept 5 feet above the sidewalk.

**1290. Smoke Houses—Construction of.] § 80.** Smoke houses shall be constructed throughout of incombustible material, with ventilators at or near the top, and guards not less than 4 feet above the fire beds, sufficient to prevent the meats from falling into the fire. If they open into other buildings, such openings shall be protected by iron doors or shutters properly and thoroughly constructed.

**1291. Buildings for Storing Petroleum, Etc.] § 81.** Buildings designed for the storage of petroleum, or articles of like nature, shall be constructed as follows, to-wit: Their walls shall not be less than 16 inches thick, nor more than 16 feet high; their floorings shall be made of fire-proof paving or

concrete, upon the ground, which shall be at least 2 feet below the street grade; their roofs shall be of metal, or of the best composition roof, and shall have fire walls 18 inches high all round, not less than 8 inches thick, and have copings of incombustible material.

**1292. Theatres, Etc.—Means of Egress.]** § 82. The egress, openings and stairways of theatres, or other rooms wherein crowds of people usually assemble, or wherein large numbers of employes are kept at work, shall in no case be less than five feet wide, nor aggregate a less proportion than 18 inches for each 100 persons such theatre or other room may contain or accommodate. This provision to apply to the doors of each gallery or compartment of such building, as well, as to the exterior openings. All doors of such buildings or rooms shall be made to swing outward.

**1293. Means of Egress in Other Buildings.]** § 83. All buildings over two stories high, used for the manufacture of combustible articles, or materials, wherein more than 200 employes are kept at a time, must have at least two egress stairways at least 50 feet from each other.

**1294. Heating Appliances—Arrangement of.]** § 84. Hot air, hot water, steam or other furnace, whether brick or metal, shall be kept at least 10 inches, and the smoke flue at least 20 inches, off from any unprotected wood work. All furnaces shall be placed on foundations of brick or stone, with proper hearths of incombustible material at least 24 inches wide in front of the ash pit. All hot air conductors that are placed within 10 inches of any wood work shall be made double, one within the other, with at least one-half inch space between the two. All hot air registers shall be set in incombustible borders not less than two inches in width; all such borders shall be firmly set in plaster of paris; openings in floors for registers shall be lined with bright tin to receive the reg-

ister boxes, the lining to be kept at least one inch distant from such register box. I. C. or I. X. bright tin shall be used in the construction of all hot air flues and their appendages.

**1295. Boiler Houses and Rooms.] § 85.** The wood work of all boiler houses and boiler rooms shall be kept at least six feet from the boiler and four feet from the breeching or smoke conductor, and one foot from the dome of the boiler, unless such wood work is properly protected with incombustible material, and then there shall be at least two feet space from the boiler or smoke pipe and the protection.

**1296. Floors in Boiler Rooms.] § 86.** The floors of all rooms, when containing stationary boilers, shall be made of incombustible materials, five feet on all sides and at least eight feet in front of any boiler.

**1297. Steam Pipes—Protection of.] § 87.** Steam pipes shall be kept at least two inches from all wood work, otherwise they shall be protected by a soap-stone, or earthen ring or tube, or rest on iron supporters.

**1298. Pipes Let Into Joists, Etc.—Protection.] § 88.** No pipes shall be let into the joists or beams of any floor to a greater depth than two inches, and not more than three feet from the ends of the joists or beams.

**1299. Walls to be Braced During Erection.] § 89.** Walls of any building shall be securely braced during the process of erection.

**1300. Term "Business Building" Defined.] § 90.** The term "business buildings" shall embrace all buildings used principally for business purposes, this including, among others, hotels, theaters and office buildings.

**1301. Terms Defined.] § 91.** The term "wholesale store," or "storehouse," shall embrace all buildings used (or intended to be used) exclusively for purposes of mercantile business or storage of goods.



**1302. Basement Defined.] § 92.** A basement story of any building is defined as a story whose floor is twelve inches or more below the sidewalk, and whose height does not exceed twelve feet in the clear; all such stories that exceed twelve feet high shall be considered as first stories.

**1303. Height of Buildings.] § 93.** The height of all buildings for the purpose of this article, shall be taken from the grade of the sidewalk from a point half way from the lowest to the highest point of roof.

**1304. Chimney Not to Rest on Wood Work.] § 94.** All chimneys not forming a part of a wall shall rest upon the ground with proper foundations, and in no case shall any chimney rest on or be supported by frame work, beams or posts of woodwork of any description, except in one-story cottages.

**1305. Posts and Guy Ropes.] § 95.** Iron bars shall not be driven in the road way of any street for the purpose of attaching guy-ropes of derricks. Posts may be set up opposite any derrick for the purpose of attaching guy lines. Such posts shall be not less than eight inches square, of sound timber, sixteen feet long, set at least four feet into the ground. Guy ropes attached to such posts shall be kept at least ten feet above the surface of the streets.

**1306. Structures Under Sidewalks—Permit.] § 96.** Any person desirous of utilizing the space under the sidewalks in front of any building owned by him, shall construct a sufficient stone or hard burnt brick wall to retain the road way of the street, and shall extend the sidewalks, division and party walls of such building under the sidewalk to such curb wall; the sidewalk in all such cases shall be incombustible material entire, supported by walls of iron beams and columns; openings in such walks for the admission of coal or light shall be covered with prismatic lights in iron frames, or with iron covers having a rough surface, and in no case will a smooth surface

be permitted on any such cover. No plain surface glass shall be placed in any sidewalk. In all cases where the sidewalks are to be thus used, a permit shall be first obtained from the commissioner of public works; such permit shall specify the details of such construction, and shall be approved by the superintendent of buildings.

**1307. Using Street—Permit for.]** § 97. Any person desiring to use any portion of the street or alley for the purpose of erecting or repairing any building shall make application for a permit to use the same and shall cause a red light to be placed in a conspicuous place in front of such obstruction from dark until sunrise each night during the time such obstruction remains. A sidewalk or passage-way, of at least four feet wide shall be kept in front of any new building, as far as it is practicable, making allowance for the proper handling of any materials to be used in or about such building.

**1308. Public Hall Defined.]** § 98. Every theater, opera house, hall, church or other building intended to be used for public assemblages, shall be deemed a public hall within the meaning of this article.

**1309. Permit to Erect.]** § 99. Any person desiring a permit to erect any public hall shall make application to the superintendent of buildings, in compliance with this article.

**1310. Stairways in.]** § 100. No stairway to any public hall, or part thereof shall rise more than ten feet without a platform, and no winders, wheeling, or circular steps shall be used. Each stairway and passage-way shall have a strong hand-rail on each side thereof through its entire length.

**1311. Exits, Etc., From.]** § 101. Every public hall with accommodations for five hundred or more people shall have at least two separate and distinct exits, to be as far apart as may be found practicable. Public halls, accommodating seven hundred or more persons shall have at least three separate and distinct exits. The exits from all galleries shall be independent and separate from the exits of the main floor.

**1312. Height Above Grade of Street.] § 102.** No portion of the main floor of any public hall not used as a theater, and with accommodations for five hundred persons, shall be elevated to a greater height than thirty-five feet above the street grade. Public halls with accommodations for one thousand persons or more shall have the main floor not over twenty-five feet above the street grade; no portion of the main floor of any theater, with accommodations for five hundred or more persons, shall not be more than sixteen feet above the street grade. In all such theaters, the proscenium wall shall be of brick work, not less than sixteen inches thick, extending from the ground through and four feet above the roof, this brick wall to extend entirely across the building from the floor of the stage to the ground. All openings required in any part of the wall (except the principal opening) shall have proper iron doors.

**1313. Floors to be Fire-Proofed in.] § 103.** All auditorium floors in theaters shall be fire-proofed, either by deadening the same with at least one inch of mortar, or have the under side of joists lathed with iron and plastered with at least one heavy coat of mortar.

**1314. Partitions in Theaters—Construction of.] § 104.** All partitions for rooms and passages in theaters, if not made bodily fire-proof, shall be plastered on both sides on iron or wire lathing or tiling.

**1315. What Preceding Sections to Apply to.] § 105.** The preceding sections, from sections 98 to section 104, both inclusive, shall apply only to theaters or public halls that may hereafter be erected. The following provisions shall apply to theaters or public halls that are now or may hereafter be erected or constructed.

**1316. Opening in Halls, Etc., Heretofore Built.] § 106.** All egress openings in public halls shall have the word "exit" conspicuously placed over them, and shall otherwise conform

to the requirements of section 101 of this article. The aisles or passages in such halls shall at all times be kept unobstructed.

**1317. Ventilator Over Stage.]** 107. § All theaters or other places of public amusement having a seating capacity of over five hundred persons, and having a platform or stage, and using drop curtains or shifting scenery, shall have a suitable ventilator placed upon the roof and opening to the space above the stage. Such ventilators shall be arranged with valves, or shutters that can be readily opened in case of fire, so that a current of air will pass over the stage and outward through such ventilator. Any other contrivance having the same effect and approved by the superintendent of buildings may be used instead of the ventilator above described.

**1318. Water Standpipe on Stage.]** § 108. All such buildings shall have a water standpipe and water plug, to be placed on the stage or platform, or in its immediate vicinity, which shall be connected with the water pipes or street mains of the city water works system, and shall be put in under the direction and to the satisfaction of the fire marshal and superintendent of buildings.

**1319. Hose Attached to Standpipe.]** § 109. Hose shall be attached to such standpipe, of such size as may be directed by said marshal, to have nozzle and stop-cock attached thereto; such hose shall be of sufficient length to extend to the farthest limits of such building or place of amusement and shall at all times be kept in good order and repair, and ready for immediate use.

**1320. Other Standpipes Required.]** § 110. All public halls, with accommodations for one thousand or more persons, shall have at least one standpipe in the street or alley on the outside of the building, from ground to roof, with hose attachments, close to a window or door at each floor or gallery.

**1321. Fire Alarm Box in.] § 111.** Such hall shall also be provided with a fire alarm telegraph apparatus, connected by the necessary wires with the headquarters of the city fire alarm telegraph, or such other place or places as the fire marshal shall direct.

**1322. Fire Extinguishing Apparatus Required.] § 112.** It shall be the duty of all owners, agents, lessees and occupants of such public hall to provide such fire extinguishing apparatus at such points about the building as the fire marshal shall direct.

**1323. Shall Employ Fireman.] § 113.** It shall be the duty of the owner, agent, lessee or occupant of any theatre with accommodations for one thousand or more persons, to employ one or more competent, experienced firemen, approved by the fire marshal, to be at such theatre during the whole time it is open to the public; such fireman shall report to and be subject to the orders of the fire marshal, shall be in uniform and shall see that all fire apparatus required is in its proper place and in efficient and ready working order.

**1324. Recess, Chase or Flue.] § 114.** No continuous vertical recess chase or flue shall be made in any party wall so deep that it will leave the thickness at the back, less than eight inches at any point, and no recess of any kind shall be made in any eight inch wall. No horizontal recess shall be made in any wall except by special permit from the superintendent. No continuous vertical recess, other than flues in stacks, shall be nearer than seven feet to any recess.

**1325. Side Walls Not to Be Built in Advance of Rear Wall.] § 115.** No side wall of a brick building shall be carried up in advance of the rear wall.

**1326 Buildings to Have Division Walls.] § 116.** All brick blocks to be used as business houses or flats, shall have division walls of brick, each forty-eight feet of their width at



least, to extend through the roof. The stairways shall be enclosed with brick walls or other incombustible material approved by the superintendent of buildings. All brick buildings to be used as dwellings, tenements, or lodging houses, in excess of thirty feet in width, shall have brick division walls to extend through the roof, not more than twenty-two feet apart.

**1327. Furnaces, Etc.—Permits to Set.]** § 117. No furnace, boiler or range, set in masonry or otherwise, shall hereafter be placed, or its location changed, in any building except as the superintendent shall approve.

**1328. Construction of Floors.]** § 118. All floors shall be constructed to bear a safe weight, per superficial foot, exclusive of material, as follows:

For dwellings, tenement or lodging houses, one hundred pounds; for buildings for light mechanical purposes, and for public buildings, one hundred and fifty pounds; for storehouses, warehouses, machine shops, armories, drill rooms, and other similar buildings, not less than two hundred and fifty pounds; these requirements shall apply to all alterations as well as new buildings.

**1329. Board Partitions—Size—Not Used as Supports—When.]** § 119. Plank or board partitions in brick buildings in any one story of any building, shall not aggregate more than four hundred superficial feet, measuring on one side. Partitions in hotel buildings and tenement buildings made of scantling, shall be lathed and plastered on both sides, shall be filled with brick work, eight inches high, from each floor, in the best manner; scantling partitions shall not be used for the support of any floor or roof, except for dwelling houses.

**1330. Unsafe Flues, Chimneys, and Heating Apparatus — Penalty.]** § 120. If any chimney flue or heating apparatus of any premises, shall in the opinion of the superin-

tendent of buildings, endanger the premises, he shall at once notify in writing the owner, or agent of said premises. If such owner, or agent, fails for a period of forty-eight hours after the service of such notice to make such chimney, flue or heating apparatus safe, he shall be liable to a fine of not less than twenty, nor more than fifty dollars for every day's continuance thereof.

**1331. Distance From Line of Lot.] § 121.** Outside of the fire limits wooden buildings may be erected, to be used as a dwelling or tenement, but shall not exceed forty-five feet in height, from the sidewalk to the highest point of roof; and the external walls of such buildings shall not be placed at a less distance than eighteen inches from the line of the lot upon which the building is located, unless a brick external wall is substituted for a wooden wall, said wall to be not less than eight inches thick; said walls to be built up to the under side of the road covering and bedded in mortar on the walls.

**1332. Distance Between Frame Houses.] § 122.** Where frame or wooden buildings are erected on a lot for dwelling purposes, there shall be a clear open space of at least three feet between the walls of said buildings.

**1333. Division Walls in Blocks of Two or More.] § 123.** In the erection of wooden buildings for dwelling purposes, in blocks of two or more, said buildings shall have division walls not less than eight inches thick, of brick; said brick walls to be carried up and topped out twelve inches above the roof and properly coped.

**1334. Distance Between Other Frame Buildings.] § 124.** Wooden buildings to be used for other purposes than that of a dwelling house shall not be erected, or placed at a less distance than four feet from any other building unless an intercepting wall of brick is used.

**1335. Height Limited.] § 125.** All exterior parts of every building hereafter erected within the city of Peoria

which are more than forty-five feet in height above the level of the sidewalk, shall be made of, and covered with incombustible material.

**1336. Sills — How Laid — Foundations.]** § 126. The sills of any wooden building shall be laid at least eight inches above the grade of the street; and all such buildings shall be built upon secure foundations of stone or brick, carried up to the surface of the ground. All buildings having an area exceeding 25x40 feet, shall have twelve inches foundation walls; all frame tenements in blocks of two or more, with basement stories or cellars, shall have at least twelve-inch outside walls and not less than eight-inch division walls.

**1337. Sills — Fire-Stops — Partitions.]** § 127. All frame buildings hereafter erected shall have solid timber sills of suitable dimensions for the size of the structure; the studding shall be thoroughly braced. All walls, both exterior and partition shall be bridged at least once in every nine feet of their height with material two inches thick and of the same width as the studding, so as to completely prevent the same from forming a draft, or flue in case of fire.

**1338. Permits Required as to Wooden Buildings.]** § 128. No wooden building now erected, or hereafter to be erected, shall be altered, raised, roofed, enlarged or otherwise built upon, in any manner, without a permit.

**1339. Stone Not to be Dressed on Street.]** § 129. No person shall be permitted to dress stone in the streets or prepare any material for building in the streets which can be prepared elsewhere.

**1340. Plans Not to be Changed After Permit.]** § 130. After a permit has been granted the owner, the architect or builder must not change, or alter the plans or construction for which the permit was issued, without giving notice of such change or alteration and receiving permission for the same.

**1341. Plans for Drainage and Plumbing, Filed With Board of Health.]** § 131. The drainage and plumbing of all buildings, both public and private, hereafter erected in said city, and all alterations, changes and repairs in the drainage or plumbing hereafter placed in any house within said city, shall be executed in accordance with the plans previously approved in writing by the board of health of said city; and no permit for the same shall be granted by the superintendent of buildings, except upon such written approval; suitable plans and descriptions of the plumbing and drainage shall in each case be submitted and placed on file in the health department.

**1342. Penalty.]** § 132. Any person failing to comply with, or guilty of a violation of, any of the provisions of this article, where no other penalty is provided, shall be subject to a penalty of not less than twenty-five dollars nor more than two hundred dollars. Every such person shall be deemed to have been guilty of a separate offense for every day the same shall continue, and shall be subject to the penalty imposed by this section for each and every separate offense; and, any contractor or builder, who shall construct any building in violation of this article; and any architect having charge of such building who shall permit it to be so constructed, shall be liable to the penalties provided by this section.

**1343. Fire Limits.]** § 133. That all the lots, blocks and territory within the city of Peoria, contained within the following boundaries, to-wit: Beginning at the Illinois river on the west line of section sixteen (16) in said city; thence north along said section line to the center of Cedar street; thence along the center of Cedar street to the center of South Adams street; thence south-westerly along the center of South Adams street to the center of Lincoln avenue; thence along the center of Lincoln avenue to the center of Gallatin street; thence north-easterly along the center of Gallatin street and alley in continuation thereof between South Adams street and West

Jefferson street to the center of Chestnut street; thence north-westerly along the center of Chestnut street to the center of West Jefferson street; thence north-easterly along the center of West Jefferson street to the center of Sanford street; thence along the center of Sanford street to the center of Bluff street; thence south-westerly along the center of Bluff street to the center of State street; thence along the center of State street and the center of High street to the center of Elizabeth street; thence north along the center of Elizabeth street to the center of the block between Main street and Russel street; thence due east to the center of North street; thence along the center of North street and the center of Randolph avenue to the center of Hamilton street; thence south-easterly along the center of Hamilton street to the center of Bluff street; thence north-easterly along the center of Bluff street to the center of Jackson street; thence south-easterly along the center of Jackson street to the center of Glendale avenue; thence north-easterly along the center of Glendale avenue to the center of Green street; thence south-easterly along the center of Green street to the center of the block between North Jefferson street and North Adams street; thence north-easterly through the center of the blocks between North Jefferson street and North Adams street to the center of Grant street; thence south-easterly along the center of Grant street to the Illinois river; thence along the Illinois river to the place of beginning, shall be known at the fire limits of the city of Peoria.

## ARTICLE II.

## BUTCHERS.

## Section.

1344. License Required.

1345. License Fee—Violation—Penalty.

1346. Cleanliness — Inspection — Right of Entering.

## Section.

1347. Revocation of Licenses.

1348. Butcher—Defined.

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**1344. License Required.]** § 1. No person shall sell, offer, or expose for sale, any fresh meat (except venison, poul-



try, fish or wild game) in any quantity in the city of Peoria, without having first obtained a license therefor; *provided*, that nothing herein shall prohibit any person from selling beef, or other fresh meat, by the quarter, or any greater quantity, at any time or place in said city.

**1345. License Fee—Violation—Penalty.]** § 2. The mayor shall, from time to time, grant licenses to conduct and carry on the business of butcher, in such places as may be designated in such licenses, but not elsewhere, upon the payment of the sum of twenty-five dollars per annum for such license, and any person who shall carry on the business of a butcher as aforesaid, or violate any of the provisions of this, or the preceding section, shall forfeit and pay a fine of not less than five dollars nor more than fifty dollars for each offense.

**1346. Cleanliness—Inspection—Right of Entering—Penalty.]** § 3. Every butcher shall keep his meat market, stall, or store, neat, clean, and free from filth of all kinds, under a penalty of five dollars, and the officers of the department of health shall, at all times, have free access thereto, under a penalty of five dollars, to be paid by the butcher, or other person who shall resist or prevent such access.

**1347. Revocation of Licenses.]** § 4. If any butcher, or vendor of meats, shall violate any of the provisions of this article, or any ordinance of the city, in relation to the conduct of his business, or to the inspection of meat, upon conviction, his license shall be revoked by the mayor.

**1348. Butcher Defined.]** § 5. The word "butcher," in the sense used in this article, is hereby defined to mean a vendor of all fresh meats, except venison, poultry, fish, or wild game.

## ARTICLE 12.

## CABS, HACKS, CARTS, EXPRESS WAGONS, ETC.

## Section.

- 1349. Carts, etc., to be Licensed.
- 1350. Cabs, Hacks, etc., to be Licensed.
- 1351. License Fee.
- 1352. Licensee's Number, on Vehicle.
- 1353. Licensee Responsible for Goods.
- 1354. Refusal to Convey—Penalty.
- 1365. Driver to be with Vehicle—Disorderly Conduct—Penalty.
- 1356. License Transferable.
- 1357. Carts, etc.—Rate of Charge.
- 1358. Services to be Rendered.

## Section.

- 1359. Cabs, Hacks, etc.—Rate of Charge.
- 1360. Baggage to be carried by Hacks, etc.
- 1361. Posting Rates—Demanding Unlawful Fare—Penalty.
- 1362. Vehicles Excepted from Ordinance.
- 1363. Without a License—Penalty.
- 1364. Not to Stand on Water Street.
- 1365. Stand in Front of Premises—Consent of Owner.
- 1066. Stand for Express Wagons.
- 1367. Penalty.

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**1349. Carts—Etc.—to be Licensed.] § 1.** That no person shall charge, receive, or demand any pay for the hauling, or transportation of any article of personal property whatever, in or upon any wagon, cart, dray or other vehicle, nor for the hire or use of the same, within the limits of said city, without first having obtained a license so to do as hereinafter provided.

**1350. Cabs — Hacks, Etc., — to be Licensed.] § 2.** Every vehicle which shall be kept or used within said city for the purpose of carrying persons from one place to another through, or in said city — mail stages only excepted — or from said city to places without the same, or from places without the said city to any place within the same, for hire or payment received by the owner, agent or driver thereof, is hereby declared and taken to be a hackney-carriage, within the meaning of this article; and no person shall keep and use any such hackney-carriage in said city for hire or pay for the purposes herein sated, without first having obtained a license so to do, as hereinafter required.

**1351. License Fee.] § 3.** Licenses may be granted for any of the purposes herein specified for the term of one year for the sum of five dollars, and no license shall be granted for a shorter term.

**1352. Licensee's Number, on Vehicle — Penalty.] § 4.** Every wagon, cart, dray, hackney-carriage or other vehicle licensed under this article, shall bear its number as registered, in plain and conspicuous figures, at least two inches in length, on a metallic plate, which figures and plate shall be of uniform color, size and shape, and shall be furnished, at cost, by the city clerk to the persons licensed; the said number shall be placed on the outside of the near shaft, if put upon a dray or cart, and on the near outside of the body, if put upon a wagon, hackney-carriage, or other vehicle, and when the vehicle has no body upon it, the number shall be placed upon the outside of the hind axletree, and no other number shall appear on any such vehicle; and any person who shall refuse or neglect to keep his wagon, cart, dray, hackney-carriage or other vehicle numbered with the number furnished to him by the clerk, as herein required, or if he shall have more than one number on the same, shall forfeit and pay the sum of five dollars, and the further sum of five dollars for every day he shall use said wagon, cart, dray or other vehicle, without having the same numbered as aforesaid.

**1353. Licensee Responsible for Goods.] § 5.** The owners of vehicles, and all persons taking out license under this article, shall be responsible for all goods, wares, property and merchandise delivered to their care or to the care of any driver or person having charge of any licensed wagon, cart, dray, hackney-carriage or other vehicle.

**1354. Refusal to Convey — Penalty.] § 6.** If any owner driver or person in charge of any wagon, cart, dray, hackney-carriage or other vehicle, licensed as aforesaid, shall, while unemployed and on any street or alley, or upon the public landing, or at any railroad depot, or place in said city, refuse to haul a load or loads for any person, or refuse to carry any passengers and their baggage, who shall tender to him the regular fare or fee therefor, he shall forfeit and pay the sum of five dollars for each offense.

**1355. Driver to be With Vehicle—Disorderly Conduct—Penalty.]** § 7. Any hackman, cartman, drayman, or driver, or any person in charge of any omnibus, baggage or express wagon, or other vehicle licensed as aforesaid, who shall, while waiting for employment on any stand, or at any railroad depot, steamboat or other landing, or elsewhere, leave such vehicle except for the purpose of getting the baggage, or other personal property of the person employing him, or shall snap, crack or flourish his whip, or use indecent or profane language, or be guilty of boisterous or loud talking or shouting, or of any disorderly conduct, or who shall vex, disturb, importune, annoy, or deceive passengers, travelers or citizens, or obstruct any street, or sidewalk, or shall refuse to observe and obey any order or direction of the mayor, superintendent of police, policeman, magistrate, alderman, or other conservator of the peace in said city, which may be given for the preservation of good order and for the convenience of the public, at any railroad depot, steamboat or other landing, or elsewhere, shall be subject to a fine not exceeding ten dollars for each offense.

**1356. License Transferable.]** § 8. That licenses issued under this ordinance may be transferred with the consent of the mayor; but in all such cases the person to whom the license is transferred shall have the same registered in the clerk's office.

**1357. Carts, Etc.—Rate of Charges.]** § 9. The fee, or charge, allowed to teamsters, draymen, cartmen, drivers of express wagons and other vehicles, licensed under this article, shall be as follows, to-wit:

*First.* For hauling each load the distance of four blocks or under, the sum of twenty-five cents.

*Second.* For hauling each load over four blocks, and not exceeding eight blocks, the sum of thirty-five cents

*Third.* For hauling each load over eight blocks, and not exceeding twelve blocks, the sum of fifty cents.

*Fourth.* For hauling each load over twelve blocks anywhere in the city, the sum of seventy-five cents.

**1358. Services to be Rendered.]** § 10. That the services to be rendered by the person in charge of a licensed wagon, cart, dray, or other vehicle, for the fee herein specified, shall include the loading, hauling, and unloading of the property.

**1359. Cabs, Hacks, Etc.—Rate of Charges.]** § 11. The fee, or charge, allowed to hackmen, omnibus drivers, and others engaged in carrying and conveying passengers, as contemplated by this article, shall be as follows, to-wit:

*First.* For conveying each person twelve blocks or less, the sum of twenty-five cents; and for conveying each child between five and fourteen years of age the same distance, the sum of fifteen cents.

*Second.* For conveying each person all distances over twelve blocks within the city, the sum of fifty cents; and for conveying each child between five and fourteen years of age the same distance, the sum of twenty-five cents; but for children under five years of age no charge shall be made.

**1360. Baggage to be Carried by Hacks, Etc.]** § 12. Every passenger shall be allowed to have conveyed upon any hack or omnibus, or other vehicle for carrying passengers, without further charge, his ordinary traveling baggage, of every such passenger, not exceeding twenty-five pounds in weight, and for every additional twenty-five pounds, or fraction thereof, of baggage, the owner or driver of such hack, omnibus, or other passenger vehicle, shall be permitted to charge and receive ten cents, for all distances within the city.

**1361. Posting Rates—Demanding Unlawful Fare—Penalty.]** § 13. A printed copy of the above regulations



and charges shall be posted in a conspicuous place in each and every hack, omnibus, and other vehicle used for the carriage of passengers; and if any owner, driver or person having charge of any licensed wagon, cart, dray, hackney-carriage or other vehicle, shall charge, receive or demand any higher fee or charge than is allowed by this article, or shall fail to post up said schedule of charges, he shall forfeit and pay not less than one dollar nor more than ten dollars for each offense; and the mayor may, in his discretion, forfeit the license of any person convicted of a violation of this section.

**1362. Vehicles Excepted from Ordinance.] § 14.** This ordinance shall not apply to wagons and other vehicles kept by merchants for the free delivery of goods sold by them, nor to the owners or drivers of teams coming to market, who shall transport, for hire or pay, any article from the city to any place without the same, nor to the hauling or transportation of brick, sand, lime, mortar, stone, stone-coal, coke, wood, hay and straw, nor to any wagon, cart, dray or other vehicle employed on any public improvement of said city, nor to any of said vehicles employed in digging cellars and foundations where buildings are to be erected: *Provided*, that said vehicles are not used for other purposes of hire.

**1363. Without a License—Penalty.] § 15.** Any person who shall, without being licensed as herein required, demand, charge or receive any sum of money, or other valuable thing, for hauling any load or loads of personal property, or for conveying persons as contemplated by this ordinance, or for the hire or use of any wagon, cart, dray, hackney-carriage or other vehicle, shall forfeit and pay not less two dollars nor more than ten dollars for every offense.

**1364. Not to Stand on Water Street.] § 16.** That it shall not be lawful for any owner, driver or person in charge of any dray, wagon or other vehicle, to suffer or permit the same to stand or remain between the curbstone and the rail-

road track on Water street, between North Fayette and Bridge streets, longer than is necessary to load and unload the same.

**1365. Stand in Front of Premises—Consent of Occupant.]** § 17. All drivers of carts, and hackney-carriages in said city, when waiting for employment, may be permitted to stand with the same on any street in front of any building or lot, close to and outside of the gutter: *Provided*, they obtain the consent of the owner or occupant of such building or lot, and the said carts, and hackney-carriages, shall be so arranged as to occupy as little space as practicable, and to create no inconvenience or annoyance to the public or to individuals.

**1366. Stand for Express Wagons.]** § 18. That the southeasterly side of Adams street, in front of block one, between Hamilton street, and the upper line of Main street, be, and the same is hereby, designated as a stand for express wagons in said city; and all drivers and owners of express wagons, while waiting for employment, are prohibited from standing at any other place in said city without first having obtained permission from the city council.

**1367. Penalty.]** § 19. That any person violating the provisions of either of the three preceding sections shall, upon conviction, forfeit and pay not less than one dollar nor more than fifty dollars for every offence.

## ARTICLE 13.

## CITY EMPLOYEES.

## Section.

1368. Lawful Day's Work—Eight Hours.

1369. Exceptions to Rule.

1370. Cases of Emergency—Extra Pay.

## Section.

1371. Saturday Vacation.

1372. Excepted Employees.

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**1368. Lawful Day's Work—Eight Hours.]** § 1. Eight hours of labor, between six o'clock a. m. and six o'clock p. m., shall be, and constitute a full and legal day's work for all employes performing manual labor for the city of Peoria.

**1369. Exceptions to Rule ]** § 2. The provisions of the preceding section shall not be construed to apply to, or govern, the police or fire departments, or any department or work shop, where constant operation is necessary.

**1370. Cases of Emergency—Extra Pay.]** § 3. In all cases of emergency or necessity, superintendents, foremen, or others in authority, are hereby authorized to work their employes such number of hours as such necessity or emergency may require; but for all labor performed in excess of eight hours in one day, such laborer or employe shall be entitled to and shall receive extra pay, at the same rate which he receives for a day's work.

**1371. Saturday Vacation.]** § 4. All mechanics and skilled laborers employed by the several departments of the city government, shall be permitted to cease work at 4 o'clock p. m. every Saturday, without any abatement of pay or wages.

**1372. Excepted Employees.]** § 5. The preceding section shall not be construed so as to include bridge tenders, policemen, firemen, engineers, stokers, clerks, or other laborers or employes whose services are deemed necessary for the full day by the heads of the different departments.

## ARTICLE 14.

## CONCEALED WEAPONS.

## Section.

1373. Concealed Weapons — Prohibition  
of — Penalty.

1374. Confiscation of Weapon.

## Section.

1375. Permit to Carry.

1376. License Fee.

1377. License — Contents of.

**1373. Concealed Weapons — Prohibition of — Penalty.]**

§ 1. It shall be unlawful for any person within the limits of the city to carry or wear under his clothes, or concealed about his person, any pistol, colt, or slung shot, cross knuckles or knuckles of lead, brass or other metal, or bowie knife, dirk knife, or dirk, razor, or dagger, or any other dangerous or deadly weapon; or to display or flourish any such weapon in a boisterous or threatening manner, and every person guilty of a violation of this section shall, upon conviction, be fined not exceeding the sum of one hundred dollars; *provided*, that the provisions of this section shall not be held to apply to any policeman, constable, or other peace officer, while in the discharge of his duty, nor to any person summoned by any such officer to aid him in making an arrest or preserving the peace.

**1374. Confiscation of Weapon.] § 2.** Any such weapon, or weapons, duly adjudged by any police magistrate or justice of the peace of said city to have been worn or carried by any person in violation of the preceding section of this article, shall be forfeited or confiscated to the city of Peoria, and upon the trial of any person for a violation of the preceding section of this article, the magistrate before whom such trial takes place shall enter up such forfeiture as part of the judgment and penalty for any such violation.

**1375. Permit to Carry.] § 3.** The mayor may grant to so many and such persons as he may think proper, licenses to carry concealed weapons, and may revoke any and all such licenses at his pleasure.

**1376. License Fee.] § 4.** Applications for such licenses shall be made to the mayor, and when granted, the person applying therefor shall pay to the city clerk the sum of two dollars, and thereupon a license shall be issued by the city clerk, and signed by the mayor and countersigned by the comptroller.

**1377. License — Contents of.] § 5.** Every such license shall state the name, age, occupation and residence of the person to whom it is granted, and every such license shall expire on the thirtieth day of April next following.

## ARTICLE 15.

### DOGS.

Section.	Section.
1378. Report and Registration for License.	1388. Police May Slay Vicious Dogs at Large.
1379. Collar—License Tag—Registration—Penalty.	1389. Unlawful to Kill Dog, When—Penalty.
1380. City Clerk—Duties.	1390. Poisoning Dog Unlawful—Penalty.
1381. Proclamation to Muzzle.	1391. Dog Not Molested, When—Penalty.
1382. Impounding.	1392. Removal of License Tag or Muzzle—Penalty.
1383. Poundmaster—Register and Notice to Licensee.	1393. Fierce or Dangerous Dog at Large—Penalty.
1384. Notice to Owner.	1394. Dangerous Dog—Trial—Judgment—Execution—Penalty.
1385. Redemption from Pound.	1395. Bitch in Heat—at Large—Penalty.
1386. Dog Not Redeemed—Sold or Destroyed.	1396. Dog Defined.
1387. Poundmaster's Fee.	

**1378. Report and Registration for License—Penalty.] § 1.** Every owner of, or person who harbors or keeps, a dog within the limits of this city, shall report to the city clerk annually, within thirty days after the first day of May in each year, his or her name and address, and shall give the name, breed, color and sex of each and every dog owned, kept or harbored by such person, and shall pay to such officer the sum of two dollars for each and every dog, and cause such dog, or dogs, to be registered for license.

**1379. Collar—License Tag—Registration.] § 2.** Every dog shall be provided by its owner, or keeper, with a leather or chain collar, to which a license tag shall be securely fast-



ened, and every dog shall be muzzled, if so ordered, as hereinafter provided. No dog shall be permitted to remain within the limits of the city of Peoria, unless the owner, or keeper, thereof, shall have caused such dog to be registered and licensed, and provided with such collar and tag, and be muzzled if so ordered, and any owner of or keeper, of a dog failing to procure a license for the same, or to muzzle such dog if required, shall be subject to a fine of five dollars for every such offense.

**1380. City Clerk—Duties.]** § 3. The city clerk shall keep a complete registry, in a book to be kept for that purpose, of all licensed dogs, describing the same by name, breed, color and sex, and shall also enter the name and address of the owner or keeper as given, and the number of the city license tag.

He shall provide, each and every year, such number of metal tags as may be necessary (the shape to be changed each year), having stamped thereon the year for which the tax is paid, and also the number of the tag, and it shall be the duty of the city clerk to deliver one of such tags, numbered to correspond with the number of the registry of the dog, to the person having paid the tax upon any such dog.

**1381. Proclamation to Muzzle.]** § 4. Whenever the mayor shall deem it necessary, he shall issue an order prohibiting for a certain time therein specified, all dogs from running at large on any street, alley or other public place, within the city, unless such dogs be securely muzzled, or led by a chain or line, so as to effectually prevent them from biting any person or animal, which order shall be published twice, in a daily newspaper of general circulation in the city of Peoria.

**1382. Impounding.]** § 5. It shall be the duty of the superintendent of police, and of all policemen, and of the pound-keeper of the city of Peoria to take up and impound in the city pound (notice of which place shall be given once

each year by publication, for at least five days, in some daily newspaper of the city of Peoria of general circulation) any dog found running at large in the city of Peoria, contrary to the provisions of any ordinance, or of any order issued by the mayor as herein provided.

**1383. Poundmaster — Register and Notice to Licensees.]** § 6. The city poundmaster shall, immediately upon receiving any dog at the pound, make a registry of the same, enter the breed, color and sex, and whether licensed or not, if ascertained, and if licensed, he shall, if known, enter the name and address of the owner or keeper, and the number of the license tag, if any, and shall keep licensed dogs separated from unlicensed dogs. He shall ascertain from the register in the office of the city clerk the owner or keeper of any licensed dogs impounded, and shall forthwith give notice, through the postoffice, to the owner or keeper of any such licensed dog, of such dog being impounded.

**1384. Notice to Owner.]** § 7. The poundmaster shall give notice by mail to the owner or keeper of every dog impounded, if he can ascertain the owner or keeper thereof, whether the same be licensed or not, and if any dog, not known or identified as a licensed dog, shall not be redeemed within five days after being taken up, such dog shall be destroyed, under the direction of the superintendent of police; and if any impounded dog, known or identified as being a licensed dog, shall not be redeemed from the pound, within five days after the mailing of the notice hereinbefore required to the owner or keeper thereof, said poundmaster shall advertise in a daily newspaper of general circulation in this city, such unredeemed license dog, and if such dog be not redeemed at the expiration of the fifth day after such advertising, such dog shall then be destroyed.

**1385. Redemption from Pound.]** § 8. For every dog taken up and confined in the pound, as provided in this ordi-

nance, for which no license tax has been paid, a redemption fee of one dollar, together with the amount of the tax, shall be paid to the city clerk for the use of the city; and upon procuring the certificate of the city clerk, stating that said amount has been paid, and paying to the poundmaster his fees hereinafter provided, then any such dog shall be released from the pound. Every licensed dog taken up and confined in the pound, as provided in this ordinance, may be redeemed by the owner or keeper thereof, at any time within five days after the same shall have been advertised, as herein provided, by paying to the poundmaster the amount of his fees as hereinafter provided.

**1386. Dog Not Redeemed — Sold or Destroyed.] § 9** Whenever any dog, taken up and confined in the pound, shall not be redeemed as provided in the preceding section within the time therein prescribed, then the same shall be sold or destroyed ; *provided*, that when any such purchaser of any such dog from the poundkeeper shall intend to keep the same within the limits of said city, he shall pay the license tax and procure a tag for such dog before he takes such dog out of the pound.

**1387. Poundmaster's Fees.] § 10.** The fees of the poundmaster for impounding dogs shall be as follows:

For taking up and impounding each dog, fifty cents.

For keeping each dog, twenty cents per day.

For giving notice to owner by mail, ten cents.

For advertising each dog, the reasonable cost thereof.

**1388. Police May Slay Vicious Dogs at Large.] § 11.** All dogs found running at large in said city, contrary to the provisions of this article, whether owned or kept within or without the city, shall be destroyed by the superintendent of police, or any person appointed by him for such purpose, or by any policeman; *provided*, that such dog cannot be safely taken up and impounded.

**1389. Unlawful to Kill Dog—When—Penalty.] § 12.**

It shall not be lawful for any officer of the city, or other person, to kill or attempt to kill any dog, within the limits of said city, except at the dog pound and under the direction of the superintendent of police, unless said dog cannot be safely taken up and impounded, and any person violating this section shall upon conviction be fined not less than five dollars nor more than one hundred dollars for every offense.

**1390. Poisoning Dog—Unlawful—Penalty.] § 13.**

It shall not be lawful for any officer of the city, or other person, to kill, or attempt to kill any dog or other domestic animal by poison within said city, or to place or leave any poison or poisoned substance in any place within the city of Peoria, where any domestic animal is likely to find and eat the same, and any person violating this section shall upon conviction be fined no less than five dollars nor more than one hundred dollars.

**1391. Dog Not Molested—When—Penalty.] § 14.**

No dog shall be subject to molestation under this ordinance, or under any order of the mayor, while on the premises of its owner or keeper, and any officer of this city or other person, who shall invade private premises to capture a dog, or who shall entice, or take any dog out of the enclosure of the possessor of such dog, or who shall molest or seize any dog while led or held by a line or chain by any person, or who shall bring to the city any dog for the purpose of taking up or impounding the same, shall, on conviction, be fined in a sum of not less than five dollars, nor more than one hundred dollars for every such offense.

**1392. Removal of License Tag or Muzzle—Penalty.**

§ 15. Whoever shall, without the consent of the owner or keeper of any licensed dog, take away or remove the collar or license tag or muzzle from any dog, for which a license tax has been paid; and whoever shall wantonly or unnecessarily,

beat, injure, cripple, or otherwise maltreat any dog, shall be subject to a penalty of not exceeding fifty dollars for each and every such offense.

**1393. Fierce or Dangerous Dog at Large—Penalty.]**

§ 16. Any owner, or keeper of any fierce or dangerous dog, who shall knowingly permit or allow the same to run at large, whether registered or licensed as aforesaid or not, to the danger, annoyance or injury of any person within said city, shall be subject to a penalty of five dollars for the first offense, and to a further penalty of not less than ten dollars nor more than fifty dollars for any subsequent offense; and it may be a part of the judgment, upon such second or further conviction, that such fierce and dangerous dog be killed, and this judgment shall be forthwith executed under the direction of the superintendent of police, for which killing the owner or keeper shall pay the further sum of one dollar, which sum shall be included in said judgment.

**1394. Dangerous Dog—Trial—Judgment—Execution—Penalty.]**

§ 17. Whenever complaint shall be made under oath and filed with any justice of the peace or police magistrate, setting forth that any dog has, in any manner, disturbed the quiet of any person or neighborhood, or has bitten a person within the city of Peoria, and that the person so bitten was not at the time trespassing upon the person or property of the owner or keeper of such dog, the justice of the peace or police magistrate shall issue a warrant against the owner or keeper of such dog, and upon the return of such warrant the justice of the peace or police magistrate shall proceed to hear and determine the matter, and if upon such hearing it shall appear that such dog has so disturbed any person or neighborhood, or that such dog has bitten some person within the city of Peoria and that the person bitten by such dog was not at the time trespassing upon the person or property of the owner or keeper of such dog, the justice of the peace or police magistrate shall order



said dog to be removed or killed, and shall issue an order to the owner or keeper of such dog to remove or kill the same within twenty-four hours from the time of receiving a copy of such order.

The owner or keeper of any such dog, who shall refuse or neglect to remove or kill, or cause such dog to be removed or killed, within twenty-four hours after having received a copy of said order from the justice of the peace or police magistrate, as aforesaid, shall be fined the sum of twenty-five dollars, and the further sum of twenty-five dollars for every twenty-four hours thereafter until such dog shall be removed or killed.

It shall be the duty of any police officer to kill said dog whenever it shall be found at large in said city, twelve hours after the service of a copy of such order on the owner or keeper of such dog.

The owner or keeper of any such dog so adjudged to be removed or killed as aforesaid, shall be adjudged to pay the costs of any such proceeding before any justice of the peace or police magistrate, and such proceeding shall be tried in like manner as other suits before a justice of the peace.

**1395. Bitch in Heat—At Large—Penalty.]** § 18. Any owner or keeper of any bitch, who shall knowingly permit or allow the same to run at large while in heat, whether she be registered or licensed as aforesaid or not, shall be guilty of a misdemeanor, and shall upon conviction be fined not less than five dollars nor more than twenty-five dollars for every such offense.

**1396. "Dog" Defined.]** § 19. The word dog, whenever used in this ordinance, shall be intended to mean a female, as well as a male dog.

## ARTICLE 16.

## ELECTION—CONTEST OF—HOW CONDUCTED.

Section.	Section.
1397. Aldermen—Who May Contest Election.	1403. Testimony Limited.
1398. City Council, Triers.	1404. Proceedings in Council.
1399. Verified Statement of Points of Contest.	1405. Election When Void.
1400. Notice to Opponent.	1406. Recount of Ballots.
1401. Depositions, When and How Taken.	1407. Ballots Not to be Destroyed, When.
1402. Proofs Closed and Filed Within 60 Days.	1408. Witnesses—Subpoenas for.
	1409. Duty of Police,
	1410. Witness—Non-Attendance—Penalty.

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**1397. Aldermen—Who May Contest Election.] § 1.** The election of any alderman may be contested by any elector of the city, and the proceeding shall be in accordance with the general laws of the State regulating the mode of contesting the election of county officers, so far as the same may be applicable.

**1398. City Council—Triers.] § 2.** The city council shall be the tribunal before which such contest shall be heard, and their decision shall be final.

**1399. Verified Statement of Points of Contest.] § 3.** When any person shall desire to contest the right of another to hold the office of alderman, to which such person claims the right, he shall within thirty days after the person whose election is contested, has received his certificate of election, file with the city clerk a statement in writing, briefly setting forth the points on which he will contest such election, which statement shall be verified by affidavit.

**1400. Notice to Opponent.] § 4.** Upon filing such statement, said contestant shall also serve a copy thereof upon the person whose election he intends to contest, and in case he is absent, or can not be found, then by leaving a copy of said statement at contestee's usual place of residence.

**1401. Depositions—When and How Taken.]** § 5. Whenever said statement shall have been filed and served as aforesaid, it shall be the duty of the city council, upon the application of either party, to fix the time and place for taking the depositions of witnesses, when either party may proceed to take the testimony of any witness, in the manner and as provided for taking deposition to be used in cases in chancery, before any judge, justice of the peace, master in chancery, or notary public, at the time and place so fixed, and continue the same from day to day thereafter, until all the testimony shall have been taken.

**1402. Proofs Closed and Filed Within 60 Days.]** § 6. In all cases of contested elections, the proofs shall be taken and filed with the city clerk within sixty days from the day fixed by the city council for taking the same: *Provided*, that the city council may, from time to time, upon sufficient cause shown, extend the time for taking and filing said proofs.

**1403. Testimony Limited.]** § 7. No testimony shall be taken, or produced on the hearing before the city council, except upon the points set forth in the said statement required to be filed with the city clerk and served upon the respondent.

**1404. Proceedings in Council.]** § 8. When all the evidence shall have been taken as aforesaid, the same shall be forthwith filed in the office of the city clerk, who shall, without delay, lay the same before the city council, and the city council shall immediately refer the same to some appropriate committee to investigate and report upon; which report shall be made by said committee to the city council, not later than the next regular meeting thereafter, and, upon the report of such committee being made, the council shall decide the same according to the rights of the matter, and shall declare as elected the person who shall appear by the evidence to have been elected. The council may require all the testimony and proofs taken to be read in open council.

**1405. Election—When Void.]** § 9. Whenever it shall appear in any case, that the person, receiving the highest number of votes, is ineligible to the office, because of any legal disqualifications it shall, for that reason, be the duty of the council to declare said election to be null and void and, immediately, call a special election to fill said office.

**1406. Recount of Ballots.]** § 10. In all cases of contested elections either party shall have the right to have the package, or packages of ballots which have been returned to the city clerk, as required by law, opened in the presence of a committee of the city council, and of the person having the custody thereof, and to have said ballots counted, or the same may be brought into open council, and then and there counted by a committee of three persons appointed for that purpose.

**1407. Ballots Not to be Destroyed—When.]** § 11. The city clerk shall carefully preserve all ballots returned to him by the judges of any city election, for six months thereafter, and at the expiration of that time he shall destroy the same by burning, under the direction of the city council: *Provided*, that if any contest of election shall be pending at such time, in which such ballots may become material as evidence, such ballots shall not be destroyed until such contest is finally determined.

**1408. Witnesses — Subpoenas for.]** § 12. All subpoenas for witnesses in any contested election shall be issued by the city clerk, stating the time and place for the attendance of any such witness, and the same may be served by the superintendent of police, or any member of the police force or any other person.

**1409. Duty of Police.]** § 13. It shall be the duty of the superintendent of police to cause all subpoenas in any such contested election to be promptly served upon any witness whose attendance is required.

**1410. Witness—Non-Attendance—Penalty.] § 14.**

Any person who has been served with any subpoena, in any such contested election, who shall fail or, neglect to attend at the time and place mentioned in such subpoena and there remain until his testimony can be taken, or who refuses to testify, or who avoids the service of any such subpoena upon him, shall be subject to a fine of not less than five dollars, nor more than one hundred dollars; and each refusal to testify or failure to attend, shall be deemed a separate and distinct offense.

**ARTICLE 17.****ELECTRIC LIGHTS AND MOTORS.**

## Section.

1411. Inspection—Certificate.

1412. City Electrician—Inspection—Approval.

1413. Requirements Before Approval.

1414. Inspection Fee.

1415. Record of Examination.

## Section.

1416. Plant Not Altered, Save on Inspection.

1417. Penalty.

1418. Electric Lights, Towers, Poles, etc.—Injury to—Penalty.

**1411. Inspection—Certificate.] § 1.** No electric light lamps shall be used for lighting any building or any part thereof, in this city, by electricity, and no electric motor shall be used for power, in this city, unless a certificate of inspection shall first be procured from the city electrician.

**1412. City Electrician—Inspection—Approval.] § 2.** In addition to the duties now required of him, the city electrician shall have power and it shall be his duty, on proper application, to inspect any wires placed in buildings in this city and used or designed to be used therein as conductors of electricity, for the purpose of lighting the same or any portion thereof, or for the purpose of power, by making a careful examination of such wires and of their insulation and location, and if the same are approved by him, he shall make and deliver to the person for whom such inspection was made, upon



payment of the fees hereinafter mentioned, a certificate of such inspection, which shall contain the date of inspection and a general description of the result of such examination.

**1413. Requirements Before Approval.** § 3. No certificate of such inspection and approval shall be made or granted unless each electric plant shall present the following requirements: All wires used in connecting lamps, motors, generators and other necessary appliances, must have a conductivity at least equal to the No. six (6) copper wire, (American guage), except branch wires leading to incandescent lamps, which may have one-tenth the above conductivity, *Provided*, some approved automatic device is introduced into the circuit, that will interrupt any excess of current passing into said branch circuits. Continuous wire shall be used as far as possible, and when necessary to make joints, they must be made in a manner to insure perfect and durable contact. All wires must be insulated and covered with non-inflamable material, and where running along walls and ceilings must be fastened on solid insulation in such manner as to leave the wires at least one-half inch from the solid wall or ceiling. Generators, motors, lamps and other appliances must be so mounted and secured so as to be completely and continuously insulated from the ground. Each circuit connected and placed in position, must show an insulation resistance between the ground of not less than one megohm. Ground circuit will not be permitted. All wires must be separated from each other by a distance of at least one foot for arc lights and motors, and two and one-half inches for incandescent lights. Branch wires leading to incandescent lamps may be grouped when required, *Provided*, only positive or negative wire enter the same group. Whenever wires are connected through walls, floors or partitions, or cross another they must be surrounded by a solid insulated substance. Exposed portions of generators, lamps and motors must be protected by appropriate screens, so as to

prevent accidental contact with exterior objects. Arc lights must be provided with glass globes, inclosed at the bottom so as to prevent the fall of ignited particles; in show windows, or other places, where inflammable materials are, the lamps must be provided with spark arresters placed at the top of the globes, and such other and different requirements as shall be at least equivalent in safety to those above mentioned.

**1414. Inspection Fee.] § 4.** Said city electrician shall charge and collect a fee of two dollars for the inspection of all motors of five-horse power or less, and five dollars for the inspection of all other motors; for the inspection of lights he shall charge a fee of one dollar for ten lights or any less number; two dollars for any number exceeding ten lights and not exceeding twenty-five lights; and one dollar for every fifty lights in any one building in excess of twenty-five.

**1415. Record of Examination.] § 5.** It shall be the duty of the city electrician to keep a record of the examination made by him, pursuant to the provisions of this ordinance, and for whom made, and make a report of the same to the city comptroller on the first day of each month, and pay over all fees so received, to the City Treasurer.

**1416. Plant Not Altered, Save on Inspection.] § 6.** No alteration shall be made in the plant after inspection without first notifying the city electrician, and subjecting the plant to inspection, subject to the provisions of this ordinance.

**1417. Penalty.] § 7.** Any person who shall use any electric light lamp, or electric motor, within the city of Peoria, without first having the same inspected and approved in accordance with the provisions of this ordinance, or in violation of any of the provisions of this ordinance, shall, upon conviction, be fined not less than fifty dollars, nor more than one hundred dollars, and shall be subject to a like penalty for each day during which he shall continue such violation.

**1418. Electric Lights—Towers—Poles, Etc.—Injury to—Penalty.]** § 8. Any person breaking, mutilating, obstructing, injuring, or in any way interfering with any public electric light, or with any tower, pole, or other support or apparatus connected with any such light, within said city, shall be liable to a penalty of ten dollars for each offense.

## ARTICLE 18.

### FERRIES.

#### Section.

1419. Ferries to be Licensed—Penalty.  
 1420. License from City Council—Restrictions.  
 1421. Must Ferry Upon Application—Penalty.

#### Section.

1422. Rate of Charges.  
 1423. Rates to be Posted.  
 1424. Injury to Ferry Boat—Penalty.  
 1425. Money from Licenses Part of Harbor Fund.

**1419. Ferries to be Licensed—Penalty.]** § 1. That it shall not be lawful for any person to establish, keep, or maintain a ferry across the Illinois River or Lake Peoria, to and from any point within the limits of said city, or keep and use any boat or other craft for the purpose of conveying any passengers or property as aforesaid, for hire or profit, without first having obtained a license from said city, as hereinafter provided; and any person who shall violate this section shall forfeit and pay not less than five dollars, nor more than one hundred dollars for every offense.

**1420. License from City Council—Restrictions.]** § 2. That any person who may wish to obtain a license to keep a ferry within said city shall apply, in writing, for the same to the city council, setting forth the place where such ferry is proposed to be established, and for what length of time said license is desired; and thereupon said council may, in their discretion, grant a license therefor, for any period not less than one year, upon such terms and conditions as they may deem proper. Said license, when granted, shall specify the place

where said ferry is authorized to be established or kept, the price charged therefor, and whether the same is intended for the conveyance of passengers or property, or both; and said license shall not authorize the person licensed to keep or maintain a ferry at any other place in said city than at the one designated in said license.

**1421. Must Ferry Upon Application—Penalty.] § 3.** That every person obtaining a license as aforesaid shall, without unnecessary delay, provide and keep in repair good and sufficient boats for the ready and safe conveyance of passengers and property across the Illinois River or Lake Peoria, and give due and regular attendance at such ferry from sunrise until dark, with a sufficient number of hands to work and manage such boats and crafts; and shall, with all reasonable dispatch, carry as aforesaid, on application, at any hour between sunrise and dark, all passengers and property as aforesaid, when said river or lake is passable; and every person licensed as above, who shall fail, or refuse to comply with any of the provisions of this section, shall forfeit and pay for every offense a sum not less than five dollars, nor more than fifty dollars.

**1422. Rate of Charges.] § 4.** That every licensed ferry keeper may demand and receive such fees for the conveyance across said river or lake, of passengers or property, as may be fixed by the city council granting the license.

**1423. Rates to be Posted.] § 5.** That it shall be the duty of every licensed keeper of a ferry to cause two copies of the said fees or rates of tolls to be posted up, and constantly kept up, in some conspicuous place on his boat; and any keeper of a ferry, or person in his employ, who shall demand and receive any higher or greater rate for the conveyance of passengers or property than shall be authorized by the city council, shall forfeit and pay, for every offense a sum not less than five dollars, nor more than fifty dollars;

and any such keeper of a ferry who shall fail or neglect to keep said copies of the fees, or rates, or tolls posted up, as aforesaid, shall forfeit and pay the sum of five dollars for each day he shall fail or neglect to keep the same posted up as aforesaid.

**1424. Injury to Ferry-Boat — Penalty.]** § 6. Any person who shall turn adrift, or in any wise injure, destroy, or sink any ferry-boat or other craft used for the conveyance of passengers or property by any person licensed to keep a ferry under this article, or shall cut, unfasten, injure, or destroy any rope, or other fixture used in keeping and maintaining any such ferry, shall forfeit and pay a sum not less than five dollars, nor more than one hundred dollars.

**1425. Money from Licenses Part of Harbor Fund.]** § 7. All money arising from licenses under this article shall form a part of the harbor fund of said city.

## ARTICLE 19.

### FIREARMS, FIREWORKS AND CANNON.

#### Section.

1426. Fire Arms—Prohibition—Penalty.

1427. Fire Arm to Minor—Penalty.

#### Section.

1428. Fireworks—Discharge of—Penalty.

1429. Cannon — Discharge of — Permit — Penalty.

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**1426. Firearms—Prohibition—Penalty.]** § 1. No person shall fire or discharge any gun, pistol, fowling piece or other firearm within the corporate limits of the city of Peoria, under a penalty of ten dollars for each offense.

**1427. Firearm to Minor—Penalty.]** § 2. No person shall sell, loan or furnish to any minor, any gun, pistol, fowling piece or other firearm within the city of Peoria, under a penalty of not exceeding fifty dollars for each offense.

**1428. Fireworks—Discharge of—Penalty.]** § 3. No person shall fire, discharge or set off, within the limits of the



city of Peoria, any rocket, cracker, torpedo, squib or other fireworks, or other thing containing any substance of an explosive nature, under a penalty of ten dollars for each offense: *Provided*, that the mayor may by proclamation permit the use of fireworks on the Fourth of July, and on such other days as he in his discretion may deem proper.

**1429. Cannon—Discharge of—Permit—Penalty.]** § 4. No cannon or piece of artillery shall be discharged or fired off within the limits of the city without a written permit from the mayor, under a penalty of twenty-five dollars for each offense.

## ARTICLE 20.

### FLOWER POTS.

Section.

1430. Pots on Sills, etc.—Protection From  
Falling—Penalty.

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**1430. Pots on Sills, Etc.—Protection From Falling—Penalty.]** § i. It shall be unlawful for any person to place or keep on any window sill, railing or balcony, top of porch or any other projection from any house, or other building in the city of Peoria, any earthen flower pot, wooden box, or other article, or thing whatever for the cultivation or retention of flowers, shrubs, vines or any other article or thing whatever, unless the same is securely and firmly fastened, or protected by iron railing, so as to render it impossible for the same to fall into the street, under a penalty of ten dollars for every such offense.

## ARTICLE 21.

## GAMING.

## Section.

1431. Gaming House or Boat—Penalty.  
1432. Gaming—Penalty.  
1433. Bringing or Possessing Gaming Device—Penalty.  
1434. Gaming Device on Street—Penalty.

## Section.

1435. Visitor—Frequenter—Keeper—Runner, Etc.—Penalty.  
1436. Seizure of Implements, Etc.—Resistance—Penalty.

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**1431. Gaming House or Boat—Penalty.] § 1.** Who ever keeps a common gaming house, or in any building, booth, yard, garden, boat or float, by him or his agent used and occupied, procures or permits any persons to frequent, or to come together to play for money or other valuable thing, at any game, or keeps or suffers to be kept any tables or other apparatus, for the purpose of playing at any game or sport, for money or other valuable thing, or knowingly rents any such place for such purposes shall, upon conviction be fined not less than one hundred dollars for every such offense.

**1432. Gaming—Penalty.] § 2.** Whoever shall play for money, or other valuable thing, at any game with cards, dice, checks, or at billiards, or with any other article, instrument or thing whatsoever, which may be used for the purpose of playing or betting upon, or winning or losing money, or any other valuable thing or article of value, or shall bet on any game others may be playing, shall be fined not less than ten dollars, nor more than one hundred dollars for each offense.

**1433. Bringing or Possessing Gaming Device—Penalty.] § 3.** No person shall bring into the city of Peoria, or have in his, her, or their possession in said city, for the purpose of gaming, any table, thing or device of any kind or nature whereon, or with which money or any other thing of value in any manner be played for, under penalty of not less than twenty-five dollars, for each and every offense.

**1434. Gaming Device on Street—Penalty.]** § 4. No person shall expose in any street, alley or other public place within the city of Peoria, any table or device of any kind whatever, upon or by which any game of chance or hazzard can be played, or shall play at, or upon any such table or device, under the penalty of twenty-five dollars, for each offense.

**1435. Visitor—Frequenter—Keeper — Runner, Etc.—Penalty.]** § 5. Any person, who is a frequenter, visitor, inmate, door-keeper, solicitor, runner, agent or abettor of, or for any house, store, grocery, hall, room, or any other place where are kept any device, instrument or thing used for gambling, whereon, or with which money or, other thing of value shall be played for, shall, upon conviction, be fined in a sum not less than twenty-five dollars, nor more than one hundred dollars.

**1436. Seizure of Implements, Etc.—Resistance—Penalty.]** § 6. It is hereby made the duty of every member of the police force to seize any table, instrument, device or thing used for the purpose of gaming; and all such tables, instruments, devices or things shall be destroyed. Any person, or persons, obstructing or resisting, any member of the police force, in any act authorized by this section, shall be subject to a fine of not less than fifty dollars for each offense.

## ARTICLE 22.

### GRADES.

#### Section.

1437. Base of City Levels and Bench Marks.

1438. Grade Established.

#### Section.

1439. Sewers.

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**1437. Base of City Levels and Bench Marks.]** § 1. That the permanent grades of streets and alleys in the city of Peoria hereinafter fixed, are referred to a plane as the base, or datum for all city levels. Said plane is referred to the top of

the fourth flute on the south angle of the corner stone of the Peoria county court house, the elevation of which point was established in the year 1877 at one hundred feet above datum plane.

This plane is also referred to permanent bench marks, located as shown upon the grade and sewerage maps of the city of Peoria and in statement No. 3 as follows:

### STATEMENT No. 3.

SHOWING THE LOCATION AND DESCRIPTION OF PERMANENT BENCH MARKS AND FLUSHING RESERVOIRS.

No.	Elevation.	Location and Description.
1	100.00	Top of water table fourth flute from corner over the corner-stone, Peoria county court house.
2	49.84	Intersection Fayette, N. Fayette and Water streets, 9 feet in Fayette and 9 feet from Truesdale's mill, front side.
3	110.30	Intersection Hancock and Madison streets, east corner inside curbing, at centre of corner-stone.
4	84.92	Intersection Adams and Evans streets, west corner inside curbing, at center of corner-stone.
5	93.97	Intersection Madison and Caroline streets, east corner intersection, corner of block.
6	155.70	Intersection Spring and Bluff streets, east corner of intersection, west corner of Park.
7	101.97	Intersection Wayne and Hale streets, south corner of intersection, at corner of block.
8	140.76	Intersection Jackson and Bluff streets, south corner of intersection, at corner of block.
9	235.90	Intersection Knox street and Illinois avenue, north corner of intersection, at corner of block.
10	194.81	Intersection North, High and Farmington avenue, east line of North street, 9 feet from corner of block, and 9 feet in avenue.
11	198.44	Intersection St. James and McDougal streets, north corner of intersection, at corner of block.
12	115.98	Intersection Perry, Franklin and Seventh streets, southeast corner inside curbing, 11 feet from corner Dr. Frye's lots.
13	112.67	Intersection avenues in State House square, north side of intersection north side Fourth street, intersection of diagonals from 4 trees.
14	89.55	Intersection Bridge, Adams and Franklin streets, northwest corner inside curb on line E side Bridge streets, upper side Adams.
15	73.03	Intersection Maple and Washington streets, south corner line of Maple 1 foot southwest of fire plug lower side Washington.
16	103.67	Intersection W. Madison and Hurlburt streets, north corner, 3 feet west of fire plug and 11 feet from corner of lots.
17	113.00	Intersection Third and Merriman streets, south corner, 2 feet from fire plug and 10½ feet from corner of lots.
18	122.20	Intersection Johnson and Charlton streets, west corner of intersection, at corner of block.
19	100.15	Intersection Adams street and Lincoln avenue, north corner inside curb, 6½ feet southwest fire plug.
20	111.40	Intersection Shelly and Charlton streets and Lincoln avenue, north corner intersection at corner of block, cor. Plank R'd and Shelly st.
21	90.77	Intersection South, Adams and Garden streets, east corner inside curb at center of corner stone, lower side Adams str.

Said permanent bench-marks being limestone posts eight (8) to ten (10) inches square, and from four and one-half (4½) to five (5) feet in length, with an iron pin set in the top end flush with the stone.





TABLE NO. 1.—C.

	Caroline	Mary	Cornhill	Hayward	St. Giles	Mound	Abington
Water street.....							
Washington { Bluff side.....							
{ River ".....	69.00						
Adams..... { Bluff ".....	75.00	73.00	71.50	69.00	66.50		64.00
{ River ".....	75.00	73.00	71.50	68.50	66.00		63.50
Jefferson.....	83.50	86.00	84.50	83.00	77.00		71.50
Madison.....							
Monroe.....	101.00	100.00	103.00	106.00		103.00	100.00
Perry.....		97.00	98.50				
Glendale.....							
Globe.....							
Greenleaf.....							
Bluff..... { Bluff side.....							
{ River ".....							

TABLE NO. 2.—A

GRADES OF STREETS SOUTH OF MAIN STREET, FROM THE RIVER TO  
 THE BLUFF, IN SECTIONS AS FOLLOWS: S.W.  $\frac{1}{4}$  SECTION 4.  
 N.E.  $\frac{1}{4}$ , S.W.  $\frac{1}{4}$  AND S.E.  $\frac{1}{4}$  SECTION 9. S.E.  $\frac{1}{4}$  SECTION 8.  
 N.W.  $\frac{1}{4}$  SECTION 16. N.E.  $\frac{1}{4}$  SECTION 17.

	Main street.	Fulton.	Liberty.	Harrison.	Bridge.	Walnut.	Chestnut.	Oak.	Elm.
Water street.....	47.50	48.75	50.00	51.25	52.50	54.50	55.50	56.00	.....
Washington { Bluff side.....	65.50	63.50	64.50	63.00	65.50	67.00	69.00	70.00	71.75
{ River ".....	63.75	61.75	62.75	61.25	63.75	65.20	67.25	68.25	70.00
Adams..... { Bluff ".....	86.00	86.00	88.00	90.50	89.50	89.50	91.50	93.00	94.00
{ River ".....	84.50	84.50	86.50	89.00	88.00	89.00	91.50	93.00	94.00
Gallatin.....									
Henry.....									
Jefferson.....	96.20	98.50	101.00	102.00			96.00	94.00	95.00
New.....									
Madison.....	102.00	103.50	105.50					103.50	99.50
High.....									
Monroe.....	108.50	109.50							
Perry.....	114.90								
Glendale.....	117.00								
Globe.....	120.00								
Bluff..... {	137.00								
{	134.00								

TABLE NO. 2.—B

	Maple.	Persim- mon.	Spencer.	Locust.	Pecan.	Merriman.	Cedar.	Linden.
Water street.....		58.00			50.00		59.00	
Washington { Bluff side.....	73.50	75.50		77.00	78.00		78.00	
{ River ".....	71.75	78.75		75.25	76.25		76.25	
Adams..... { Bluff ".....	95.00	96.00		97.50	99.00		99.00	
{ River ".....	95.00	96.00		97.50	99.00		99.00	
Gallatin.....					99.50		99.50	
Henry.....								
Jefferson.....	96.00	97.00	98.00		100.00		99.00	99.00
New.....					100.50	99.00	99.50	98.00
Madison.....	98.50	99.50			101.00		100.00	99.00
High.....							102.50	101.00
Monroe.....								
Perry.....								
Glendale.....								
Globe.....								
Bluff.....								

TABLE NO. 2.—C

	Lincoln avenue.	Edmund street.	Chicago.	Olive.	Lisk.	Cass.	South.	Garden.
Water street.....						60.00	61.00	
Washington { Bluff side.....		73.50	71.50		69.50	69.00	68.25	
{ River ".....		71.75	69.75		68.50	69.00	68.00	
Adams..... { Bluff ".....	99.00	100.50	99.00	98.00	97.50	94.50	90.00	89.00
{ River ".....	99.00	100.50	99.00	93.00	97.50	94.50	90.00	89.00
Gallatin.....	100.00							
Henry.....				95.00		93.00		
Jefferson.....	100.00							
New.....	99.00							
Madison.....								
High.....								
Monroe.....								
Perry.....								
Glendale.....								
Globe.....								
Bluff.....								



TABLE NO. 3—C.

	Charlton	Charlton	Saratoga	Elliott	McKeynolds	Merriman	Spencer	Shipman
Garden street.....								
Antoinette street.....								
Ann street.....								
George street ..								
Lincoln avenue.....	101.00							
Howett street ..	102.50							
Millman street.....	108.50							
Butler street.....	118.50							
Brotherson street.....	114.50	115.00	110.00	105.00	101.00	99.00	98.00	
Kettelle street.....								
McBean street.....		116.50	113.00	109.00	105.50	101.00	99.00	
Johnson street.....		122.00	116.50	111.50	110.50	106.00	103.00	
Smith street.....		120.00	116.50	112.50	111.50	107.00	104.00	
Hurlburt street.....		113.00	115.00	114.00	113.00	113.00	111.00	107.00
Prairie avenue.....		108.00	113.00	114.50	113.50	114.50	113.00	
First street.....			110.00	113.50	116.00	117.00	116.00	114.00
Second street.....			105.00	107.00	111.00	114.00	122.00	118.50
Third street.....			103.50	103.50	106.00	114.00	122.00	122.00
Fourth street.....			102.50	101.00	103.00	111.00	117.00	118.00
Park Place.....								
Fifth street.....					101.00		107.00	112.00
Sixth street.....					109.00		105.00	107.00
Seventh street.....							113.00	107.00

TABLE NO. 3.—D

	Goodwin	Fisher	W. of Park	State	East of Park	Sanford	Monson
Garden street.....							
Antoinette street.....							
Ann street.....							
George street.....							
Lincoln avenue.....							
Howett street.....							
Millman street.....							
Butler street.....							
Brotherson street.....							
Kettelle street.....							
McBean street.....							
Johnson street.....							
Smith street.....							
Hurlburt street.....	104.00						
Prairie avenue.....							
First street.....	113.00	110.00		103.00		98.50	95.00
Second street.....	115.00	113.50		110.00		106.00	103.00
Third street.....	119.00	115.50	113.50	112.00	110.50	110.00	107.00
Fourth street.....	117.00	115.50	114.50		111.00	111.50	109.00
Park Place.....				112.50			
Fifth street.....	113.50	112.50		111.50		110.50	109.50
Sixth street.....	112.00	115.00		116.50		115.00	114.00
Seventh street.....	108.00	109.50		111.50		113.50	115.00





TABLE No. 4—B.

	Main	Floral	St. James	College	Hansel	Moss	High	Seventh avenue
Knox .....								
North street.....								
High street.....	197.50							
Flora avenue.....	201.50							
Ellis street.....	201.50							
Elizabeth.....	200.50	199.50	198.50			197.00	189.00	
Douglas.....	199.75	200.50	199.75			201.00		
Orange.....	199.00	199.75	199.00					
Garfield.....	198.25	199.75	199.50	200.00		200.00		
Frink.....	197.50	198.25	198.75	199.00				
Bourland.....	196.75	197.50	199.50	198.00	197.00			
Underhill.....	196.00	197.50	198.50	197.25	196.00			
Bradley street.....						197.00		
Union.....						196.00		150.00
Saratoga.....						197.25		150.00

TABLE No. 5.

GRADES AT INTERMEDIATE POINTS NOT GIVEN IN TABLES I TO 4,  
INCLUSIVE.

Moss street 300 feet west of Saratoga street.....	Grade 199.0
Seventh avenue, 300 feet west of Union street.....	" 152.0
Seventh avenue, 491 feet west of Union street.....	" 152.5
Seventh avenue, 681 feet west of Union street.....	" 152.0
Seventh avenue and Saratoga.....	" 150.0
Seventh avenue and Fourth street.....	" 136.0
Seventh avenue and Second and Grove streets.....	" 142.5
Seventh avenue and First street.....	" 144.0
Seventh avenue and Prairie street.....	" 140.0
Seventh avenue and Eastern avenue.....	" 151.0
High street, 200 feet west of Main street.....	" 199.5
High street, 350 feet west of Main street.....	" 200.0
High street, 500 feet west of Main street.....	" 199.0
High street and State street.....	" 197.5
High street, 450 feet west of State street.....	" 198.0
High street, 100 feet level.....	" 198.0
High street, 450 feet west of State street.....	" 196.0
High street, 550 feet west of State street.....	" 194.0
High street, 650 feet west of State street.....	" 191.0
High street and Elizabeth street.....	" 189.0
Bluff street, 470 feet north of Jackson street.....	" 187.0
Bluff street, 590 feet north of Jackson street.....	" 193.0
Bluff street and White street.....	" 203.0
Bluff street, 80 feet north of White street.....	" 205.0
Bluff street, 180 feet north of White street.....	" 206.0

TABLE No. 6.

GRADE OF STREETS SOUTH OF SOUTH STREET.

	Monarch	Washington	Adams	Jefferson
Nowland .....		68.50	86.00	.....
Apple.....		67.50	84.00	95.00
Warren.....		68.50	82.50	94.00
Ayer.....		67.50	81.00	93.00
Sanger.....	63.00	66.50	79.50	92.00
Frink.....		67.50	81.50	91.00
Hecock.....		68.50	79.50	93.00
Dodge.....		68.50	78.50	.....
Russell.....		67.50	77.50	.....
Western.....		66.50	77.50	110.00

being in feet and decimals of a foot, are hereby adopted and established as the grades of the outer edge of the sidewalks, or curbstones at the points designated in said tables. All inclinations, or grades between successive points established by this ordinance, and indicated in said tables, are to be straight lines.

**1439. Sewers.]** § 3. The general plan and system of sewerage prepared by the city engineer under the direction of the special committee on permanent grades and sewerage, and shown upon the sewerage map, on file in the office of the city engineer, is hereby adopted, subject to such modifications in detail as the proper committee, or commission, may hereafter recommend and the city council may adopt.

## ARTICLE 23.

## HARBOR.

Section.	Section.
1440. Harbor Master—Office Created. Appointment—Bond.	1451. Rates of Wharfage.
1441. Landings Established.	1452. Harbor Master's Account—Report Payment to Treasurer, etc.
1442. From Main to Fulton Streets for Steamboats Only—Penalty.	1453. Injuring or Obstructing Landing—Penalty.
1443. Harbor Master May Assign Places—Penalty.	1454. Refusal to Pay Wharfage—Penalty.
1444. Obstructing or Resisting Harbor Master—Penalty.	1455. Wharfage Not Chargeable When River Frozen.
1445. When Harbor Master May Take Charge of Vessel.	1456. Wharf Boat—License—Penalty.
1446. Unless Charges Paid, Vessel Sold, When.	1457. Fish Boat, Staging, etc.—License—Penalty.
1447. Proceeds Paid to City Treasurer.	1458. License Fee.
1448. Obstructing Landing—Seizure of Freight—Penalty.	1459. Harbor Master to Assign Place to Licensee.
1449. Fines, etc., Lien on Boat.	1460. Depositing Offal, etc., in River—Penalty.
1450. Freight Kept on Landing—How Long.	1461. Money to Go to Harbor Fund.

**1440. Harbor Master—Office Created—Appointment—Bond.]** § 1. There is hereby created the office of harbor master, who shall hold his office for the term of two years and until his successor shall be appointed and qualified; he shall be appointed by the mayor, by and with the advice and consent of the city council, on the first Tuesday in May, 1892, or as soon thereafter as may be, which appointment shall be for the term of one year and until his successor is appointed and qualified; and thereafter the appointment shall be made on the first Tuesday in May, 1893, or as soon thereafter as may be, and biennially thereafter; before entering upon the duties of such office the harbor master shall execute a bond to the city of Peoria in the penal sum of one thousand dollars, with sureties, to be approved by the city council, conditioned for the faithful performance of the duties of such office.

**1441. Landings Established.]** § 2. That the public grounds in front of blocks one, two, three and four, in the original town of Peoria, and at the termination of every street and alley at the river and lake in the city of Peoria, are hereby declared to be public landings and landing places, in and for the city of Peoria.

**1442. From Main to Fulton Streets—For Steamboats Only—Penalty.]** § 3. That no raft, vessel, boat, or craft of any kind whatever, excepting steamboats, shall land at, or occupy any part of the public landing between Main and Fulton streets in said city, nor at the foot of said streets; and should any such raft, vessel, boat or other craft, except steamboats, so land at, or occupy any part of said landing, between or at the foot of said streets, the person in charge thereof shall immediately, on verbal notice so to do by the harbor master, remove the same; and on failure so to do, every such person shall on conviction therefor, be fined in the sum of ten dollars; and the further sum of fifty dollars for each and every day he shall suffer the same to remain at, or occupy any part of the said landing places in this section mentioned after his said conviction.

**1443. Harbor Master May Assign Places—Penalty.]** § 4. The harbor master, whenever it may be necessary, shall assign places at the public landing for all rafts, vessels, boats and crafts of every description, in the order of their arrival, and every person in charge thereof shall cause the same to be removed to the places assigned them; and every person failing so to do, on being notified by the harbor master, shall forfeit and pay the sum of ten dollars, and the further sum of fifty dollars, for each and every day he shall refuse or neglect to remove the same after his said conviction.

**1444. Obstructing or Resisting Harbor Master—Penalty.]** § 5. If any steamboat, canal boat, raft, fish boat, vessel, or other craft, shall land at, or occupy any part of the public landing contrary to the provisions of this article, it shall be the duty of the harbor master, in addition to other remedies pointed out in this article, to proceed at once and remove any such steamboat, canal boat, fish boat, vessel, or other craft, to the place provided by this article, or to the place assigned for the same by the said harbor master; and any person

obstructing, or resisting the harbor master or any person employed by him in the removal of any such vessel, or in the discharge of any other duty as harbor master, shall, on conviction, forfeit and pay any sum not exceeding one hundred dollars.

**1445. When Harbor Master May Take Charge of Vessel.]** § 6. If no master, owner or agent shall appear and take charge of any boat, or raft lying at any of the public landings, the harbor master shall take charge thereof; and if, in his opinion, the public convenience or the safety of the boat or raft require it, he shall cause the same to be removed to such place as he shall deem advisable at the expense of the owner

**1446. Unless Charges Paid — Vessel Sold — When.]** § 7. That all boats and rafts shall be retained in the custody of the harbor master until all fines, forfeitures and charges mentioned in the preceding section of this article, and all charges for wharfage, shall be paid by the owner, or person having charge thereof; and if said fines, forfeitures and charges are not paid within twenty-four hours, the harbor master shall sell every such boat or raft at public auction, to the highest bidder for cash, first having given at least ten days' previous notice of the time and place of said sale, by posting up notices of the same in three of the most public places in said city.

**1447. Proceeds Paid to City Treasurer.]** § 8. That the proceeds of every such sale, after deducting such fines, forfeitures, costs, charges and costs of sale, shall be paid by the harbor master into the city treasury, and such proceeds shall be paid by the treasurer to any person authorized to receive the same, on the presentment of any order from the city council, signed by the mayor and countersigned by the city clerk: *Provided*, the same shall be claimed within twelve months after such sale.



**1448. Obstructing Landing — Seizure of Freight — Penalty.]** § 9. That no person, without permission from the harbor master, shall keep or cause to remain at any of the public landings in said city, any timber, wood, lumber, brick, sand, stone, coal, or any other article or thing whatever, so as to occupy, obstruct or encumber any such landings for a longer time than twenty-four hours; and the same shall be liable to be removed at any time when necessary for the public good, upon the order of the harbor master, if the owner or agent of the same can be found in the city; and upon the refusal or neglect of the owner of any such articles or commodities, as contemplated in this section, to remove the same by the time specified, or upon the order aforesaid, it shall be and it is hereby made the duty of the harbor master, after the expiration of the said twenty-four hours, or after the notice of the order of said harbor master, to have the same removed to some suitable place, where it may be safely kept until all fines, forfeitures, fees and charges shall be paid: *Provided*, that if any property so taken be not paid for or released within ten days after its removal by the said officer, he shall, after giving ten days' notice thereof, by posting up notices in three of the most public places in said city, proceed to sell the same at public auction to the highest and best bidder for cash, and, after deducting a reasonable compensation, which is hereby allowed to him, and all necessary expenditures in removing, keeping and selling, together with ten per centum commission on the amount of the sale, pay the balance of the proceeds of such sale into the city treasury within ten days thereafter; and the treasurer shall pay the same out in the manner provided for in the preceding section.

**1449. Fines, Etc.—Lien on Boat.]** § 10. That for all proper charges, fines and forfeitures, and cost and expenses incurred by the harbor master in removing and taking care of any raft, boat, vessel, craft or other property by virtue of this

article, a lien is hereby created against any such raft, boat, vessel, craft or other property, and no alienation or transfer of the same shall effect the said lien.

**1450. Freight Kept on Landing—How Long.] § 11.** That this article shall not be so construed as to prohibit, or prevent the landing, or deposit for shipment, of any goods, merchandise, lumber, or any other article, products or materials of trade or business; but no person, or persons shall occupy or encumber any part of such landing places with any such articles or materials for a longer period than is necessary for the purpose of shipment, under the penalty as heretofore provided in this article.

**1451. Rates of Wharfage.] § 12.** That the following rates of wharfage shall be levied and collected by the harbor master for the use of the city, to-wit:

*First.* From the master, or person in charge of every steamboat which may land at any of the public landings, the sum of two dollars for each and every landing, and remaining twenty-four hours or less; and two dollars for every succeeding twenty-four hours or less the same may remain.

*Second.* From the owner or person in charge of every keel boat, canal boat, flat boat, barge, scow, flat or other craft, which may land at any of the public landings, the sum of one dollar for each and every landing, and remaining twenty-four hours or less; and one dollar for every succeeding twenty-four hours or less the same may remain.

*Third.* From the owner or person in charge of every raft landing, containing twenty-five thousand feet or less, the sum of three dollars for each and every landing, and remaining forty-eight hours or less; and the sum of three dollars for every succeeding forty-eight hours or less the same may remain.

**1452. Harbor Master's Account—Report—Payment to Treasurer, Etc.] § 13.** That the harbor master shall enter in a book kept for that purpose all money received by virtue

of this article, the names of persons, or boats from whom the same is received, the specific amount from each and for what so received, and shall account to the city council, at their stated meetings, for the same; the amount accruing to the city shall immediately be paid into the city treasury by the harbor master, and the treasurer's receipt therefor filed with the city comptroller.

**1453. Injuring or Obstructing Landing—Penalty.] § 14.** That if any person shall deface, or in any manner injure any post, ring or other appurtenance to the public landings, or do or cause to be done any act tending in any manner to obstruct or injure the public landings, by depositing in the water or on the shore any manure, filth, rubbish, earth or other thing, he shall forfeit and pay a sum of not less than one dollar, nor more than one hundred dollars, for every such offense, and pay all expenses of repairing or replacing the thing injured and of removing all obstruction deposited as aforesaid.

**1454. Refusal to Pay Wharfage—Penalty.] § 15.** That if the master, owner, or person in charge of any steamboat, shall land his boat at any of the public landings in said city, and refuse, on demand made by harbor master, to pay the wharfage provided for by this article, he shall, on conviction, forfeit and pay the sum of ten dollars and the further sum of ten dollars for every hour his boat shall lie at any of said landings after his said first conviction, and until his said wharfage is paid; and if the owner or person in charge of any other boat or raft mentioned in this article shall land the same at any of said landings, and refuse on demand made by the harbor-master, to pay the wharfage provided for by this article, he shall on conviction, forfeit and pay the sum of five dollars, and the further sum of five dollars for every hour such boat or raft shall remain at any of the public landings after his said first conviction, and until the wharfage is paid.

**1455. Wharfage Not Chargeable When River Frozen.]**

§ 16. That the provisions of this article, so far as the same relate to the collection of wharfage, shall not extend to boats lying at the public landings when the navigation of the Illinois river is closed by ice, so that any such boats cannot leave the landing: *Provided*, that no boats except steamboats shall occupy the landing between Main and Fulton streets, nor at the termination of said streets, whether the said river or lake be frozen over or not; nor shall wharfage be collected from canal or other boats licensed by the city to sell lumber and other merchandise: *Provided*, said boats do not occupy the landing over five days at one time, under any such license.

**1456. Wharf Boat—License—Penalty.] § 17.**

That it shall not be lawful for any person or persons, or body corporate, to place or keep a wharf-boat at any of the public landings in said city, without first having obtained a license for that purpose from said city; and any person wishing to keep a wharf-boat at any of the said landings shall apply for permission, in writing, to the mayor and city clerk, designating the place at which he wishes to keep such wharf-boat, and the mayor may, in his discretion, grant a license for one year for the sum of fifty dollars, subject to such regulations and restrictions as the council may deem expedient. Any person violating this section shall forfeit and pay not less than twenty-five dollars for every offense.

**1457. Fish Boat—Staging, Etc.—License—Penalty.**

§ 18. That it shall not be lawful for any person or persons to place or keep a fish-boat, or boats at the public landing in said city, for the purpose of selling and retailing fresh fish thereat, without first having obtained a license so to do as herein provided; and any person violating this section shall forfeit and pay any sum not exceeding twenty-five dollars for every offense.

**1458. License Fee.] § 19.** That licenses may be granted for the purposes set forth in the preceding section, for the term

of one year, for the sum of one dollar and fifty cents per foot, for every foot of the said landing, occupied by any fish-boat or other craft, staging or thing: *Provided*, that no person or persons shall be permitted to occupy more than forty feet of said public landing under any one license.

**1459. Harbormaster to Assign Place to Licensee.]**

§ 20. That no person shall use or occupy any portion of the public landing under any license herein authorized to be granted until the harbormaster shall assign to the person, or persons having such license the place at said landing to be occupied by said fish-boats, or other craft, staging or thing: *Provided*, that no fish-boat, or other craft, staging or thing shall be assigned any part of the public landing so as to interfere with steamboats or other craft required to pay wharfage for landing thereat.

**1460. Depositing Offal, Etc., in River—Penalty.] §. 21.**

It shall not be lawful for any person owning or having charge of any fish-boat or other craft or thing, to throw or deposit, or cause to be thrown or deposited, on said public landing, or discharge into Lake Peoria or the Illinois river, any dead fish, offal or other thing which shall produce an offensive or nauseous smell, or which may affect the purity of the water in said lake or river, and every person violating this section shall forfeit and pay not less than three dollars, nor more than twenty-five dollars, for every offense; and every person licensed to keep any fish boat, or other craft, or thing at said landing, shall be responsible for all dead fish, offal or filth that may be found at or near his boat or other craft, unless he can show that some other person placed the same there without his knowledge and consent.

**1461. Money to Go to Harbor Fund.] § 22.** That all money collected and paid into the city treasury by virtue of this article shall be set apart as a separate and distinct fund, to be called the harbor fund, and shall not be used or appropriated for any other purpose than the improvement of the landings aforesaid.



## ARTICLE 24.

## HEALTH.

Section.	Section.
1462. Contagious Disease—Report to Commissioner—Penalty.	1496. Privy Vault, etc.—Hours for Emptying.
1463. Person with Contagious Disease — Keep off Street—Penalty.	1497. Noxious Floating Matters—Exclusion from Streets.
1464. Physician — Disinfect his Clothes—Penalty.	1498. Offensive Occupations—Permit.
1465. Contagious Disease — Not to Be Brought into City—Penalty.	1499. Livery Stables—Prohibited in Certain Places.
1466. Contagious Disease—Who May Enter House—Penalty.	1500. Rendering—Deodorizing.
1467. Death from Contagious Disease — Burial—Attending Funeral.	1501. Rendering—How Conducted.
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1469. Ventilation—Cleanliness — Temperature of Stoves.	1503. Animals Kept—Ventilation and Food.
1470. Privies, etc., to be Provided.	1504. Stables, etc. — Cleanliness of — Infected Animal.
1471. Cellar or Place Illy Ventilated.	1505. Offensive Matter, Disinfected Before Removal.
1472. Light—Ventilation — Cleanliness of Leased Premises.	1506. Passage of Vehicles on Streets—Storage of.
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1482. Slaughter House — Ventilation — Floors—	1516. Dead Animal on Lot—Owner to Remove—Penalty.
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1486. Intra Mural Burial—Prohibited.	1520. Dead Body, Not to be Retained or Exposed.
1487. Privy Vault—Requirements.	1521. Animal or Thing Imperiling Health—Exposure Prohibited.
1488. Privy—Offensive—Penalty.	1522. Animal or Thing Occasioning Nuisance—Keeping Prohibited.
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1490. Polluting River—Penalty.	1524. Premises Offensive—Penalty.
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1492. Cesspool—Cleansing of Same — Disposition of Contents—Penalty.	1526. Penalties.
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1494. Stable, etc., Offensive—Penalty.	1528. Enforcing of This Article—Duty of Officer.
1495. Cesspool Not to be Filled Until Cleaned—Penalty.	

**1462. Contagious Disease—Report to Commissioner—Penalty.]** § 1. Every physician, or other person, attendant upon any case of contagious, infectious or pestilential disease, shall within twenty-four hours after first having knowledge of the same, report every such case to the commissioner of health, stating the name and describing the locality of the person affected and the nature of the disease, so that he or she may be easily found; and for any neglect or failure to so report such person shall be fined not less than ten dollars, nor more than fifty dollars.

**1463. Person With Contagious Disease—Keep Off Street—Penalty.]** § 2. Any person having any dangerous, contagious, or infectious disease, who shall wilfully expose himself in the public streets, public places, conveyances or vehicles, while in danger of giving the disease to others, and any driver or owner of such vehicles or conveyances, who does not immediately disinfect the same after conveying such diseased person, and any person who gives, lends, sells, transmits, conveys, or exposes any clothing, rags, bedding or other thing, which have been exposed to infection or contagion, shall be liable to a fine of not less than five dollars, nor more than one hundred dollars.

**1464. Physician, Disinfect His Clothes—Penalty.]** § 3. Any physician, nurse or other person, attending, or being about any person having any contagious or infectious disease, who shall not change or purify his wearing apparel before going upon any street or into any public place, or shall otherwise so conduct himself as to endanger the spreading of the disease, shall, for each and every such offense be liable to a fine of not less than five dollars, nor more than one hundred dollars.

**1465. Contagious Disease—Not to be Brought Into City—Penalty.]** § 4. Whoever shall bring into the city, or aid or assist in bringing into the city, any dangerous, contag-

ious or infectious disease, or any clothing, bedding, or other article or thing infected with, or which has been exposed to infection with any contagious or infectious disease, shall, upon conviction, be fined not less than five dollars, nor more than one hundred dollars.

**1466. Contagious Disease — Who May Enter House — Penalty.]** § 5. No person other than the attending physician, and those having the written permission of the commissioner of health, shall remain in, enter or depart from, any house where any person is sick with any contagious or infectious disease, or while the corpse of any person who shall have died of such disease is within the house, nor within ten days after such corpse shall have been removed, or the person sick therewith has become entirely recovered of such disease, and said building, the clothing, beds, and other household goods therein, shall have been thoroughly disinfected or otherwise disposed of to the satisfaction of the board of health; and any person violating this section shall be subject to a fine of not less than five dollars, nor more than fifty dollars.

**1467. Death from Contagious Disease — Burial — Attending Funeral.]** § 6. When any person shall have died of any contagious or infectious disease, the corpse shall be buried within thirty-six hours after death, and shall not be removed from the building where such person died until removed for burial, and shall then be taken immediately to the place of burial, without being taken into any church or other building; and the commissioner of health shall so specify in the burial permit; and it shall be unlawful for any person, or persons, other than the near relatives of the deceased person, and six other adult persons, to attend the funeral of any person who shall have died of any contagious or infectious disease.

**1468. Infectious Disease — Vacation of Premises Enforced — When.]** § 7. Whenever it shall be decided by the board of health, that any building, or part thereof, is unfit for

human habitation, by reason of its being so infected with disease, or from other causes, as to be likely to cause sickness among the occupants, and notice of such decision shall have been affixed conspicuously on such building, or the part thereof so decided to be unfit for human habitation, and personally served upon the owner, agent or lessee, if the same can be found in the city, requiring all persons therein to vacate such building, or part thereof, for the reasons to be stated therein, as aforesaid, such building, or part thereof, shall, within ten days thereafter, be vacated, or within such shorter time, not less than twenty-four hours, as in said notice may be specified.

**1469. Ventilation — Cleanliness — Temperature of Stores — Etc.] § 8.** That no person, being the owner, proprietor, lessee, manager or superintendent of any store, factory, workshop or other structure or place of employment where workmen and workwomen are employed for wages, shall cause, permit, or allow the same or any portion or apartment of, any room therein, to be overcrowded or inadequate, or faulty, or insufficient in respect to ventilation or cleanliness; and in every such building or apartment, or room in any such building, where one or more persons are employed, as aforesaid, at least five hundred cubic feet of air space shall be allowed to each and every person employed therein, and the air changed or renewed by ventilation at least once in every twenty minutes during the hours of employment; and any such owner, proprietor, lessee, manager or superintendent, shall cause every part thereof in which any person may work to be maintained at such a temperature and be provided with such accommodations and safeguards, as not by any reason of the want thereof, or anything about the condition of any such premises or its appurtenances, to cause unnecessary danger or detriment to the health of any person being properly therein or thereat.

**1470. Privies — Etc. — To be Provided.] § 9.** All such places of employment or service shall be provided with

sufficient and separate privies and urinals for male and female employes, and such privies shall be ventilated and kept in a clean and inoffensive condition.

**1471. Cellar or Place Illy Ventilated.] § 10.** That no person, having the right and power to prevent the same, shall knowingly cause, or permit any person to sleep or remain in any cellar or in any place dangerous or prejudicial to health, by reason of want of ventilation or drainage, or by reason of the presence of any poisonous, noxious or offensive substances, or otherwise.

**1472. Light — Ventilation — Cleanliness of Leased House.] § 11.** That no person, whether owner, agent, lessee or otherwise, in control of any building, or any part thereof, shall lease or let or hire out the same, or any portion thereof, to be occupied by any person, or allow the same to be occupied by any person, or allow the same to be occupied as a place in which any one may dwell or lodge unless such buildings, or such parts thereof, are sufficiently lighted, ventilated, provided and accommodated and, in all respects in that condition of cleanliness and wholesomeness for which the ordinances of the city, or any law of this State provides, or in which they, or either of them require any such premises to be kept.

**1473. Connection With Sewers.] § 12.** Every house situated upon a lot or street in which there is a sewer, shall have all water closets, privies, vaults, cess pools, sinks and drains furnished with a poper connection with the sewer, which connection shall be, in all parts, adequate for the purpose, as to permit entirely and freely to pass whatever enters the same.

**1474. Structures Connected With Sewers—Construction of.] § 13.** That no water closet, sink, tub, vat or other structure shall hereafter be constructed within the city of Peoria, having connection with or by any sewer or under-



ground passage, unless the same is provided with adequate, or the best generally approved, constructions and precautions for preventing gases and other offensive currents, substances and smells from passing up or out through such connection from such sewer or passage; nor shall any such water closet or privy be constructed without adequate provision for the effectual and proper ventilation and cleansing thereof.

**1475. Cess Pools, Etc.—Construction.]** § 14. That every vault and cess pool, upon any lot or premises adjacent to a sewer, shall be made water tight.

**1476. Garbage, Etc.—Not to Fall Upon Street.]** § 15. That no garbage, swill, offal, manure or other offensive substance, nor any ashes or dirt shall by any person, be allowed to run or fall from out of any building, vehicle or erection into or upon any street or public place.

**1477. Slaughtering, Etc.—Manner of.]** § 16. That, the keeping and slaughtering of all cattle, and the preparation and keeping of all meat and fish, birds and fowls shall be in that manner which is, or is generally reputed or known to be, best adapted to secure and continue their safety and wholesomeness as food.

**1478. Slaughtering—Prohibited Where.]** § 17. The slaughtering of cattle, sheep, hogs or other animals shall not be permitted or conducted at any place in the city of Peoria without a special permit from the city council.

**1479. Slaughter or Exposure on Streets Prohibited.]** § 18. That, no cattle, sheep, hogs or other animals shall be slaughtered or the meat or any part thereof, dressed or hung within said city, wholly or partly within any street, avenue or sidewalk, or public alley or place; nor shall any such meat be carried or conveyed upon, or along, any of the public streets or alleys of the city, in the day time, unless the same is protected in such manner as to conceal it from public view, nor shall any blood or dirty water or other substance from

such cattle, meat, or place of killing, or the appurtenances thereof, be allowed to run, fall or to be, in any such street, avenue, sidewalk, alley or place.

**1480. Slaughtering Place—Removal of Blood, Offal, Etc.]** § 19. That every person owning, leasing, or occupying any place, room or building, where any animals have been or are killed or dressed, and every person owning, leasing or occupying any room, stable or yard where any such animals may be kept, and having power and authority to do so, shall cause such place, room, stable, building, yard and their appurtenances, to be thoroughly cleansed and purified, and all offal, blood, fat, garbage, refuse and unwholesome or offensive matter, to be removed therefrom at least once in every twenty-four hours after the use thereof for any of the purposes herein referred to, and shall, also, at all times keep all woodwork, except floors and counters, in any such building or place aforesaid, thoroughly painted or whitewashed.

**1481. Slaughter House Not to be Used for a Dwelling Without a Permit.]** § 20. That, no building occupied wholly or in part as a slaughter house, or any part thereof, or any building on the same lot shall, without a special permit from the commissioner of health, be occupied for a dwelling or lodging place.

**1482. Slaughter House--Ventilation--Floors.]** § 21. That every building, used in whole or in part, as a slaughter house or a place for slaughtering animals shall, at all times, be kept adequately and thoroughly ventilated; that no blood shall be allowed to remain therein longer than twelve hours after the killing of the animal from which such blood came; the floors of such building on which the slaughtering is done, and the yard, shall be cemented and paved so as not to absorb blood, or any liquid matter, and shall be so arranged as to collect all liquid, and the same shall be disposed of so as not to become or be offensive.

**1483. Offal or Butcher's Refuse—Conveyance of.] § 22.** That no offal or butcher's refuse shall be conveyed through any street, alley or other public place within said city between the hours of ten o'clock a. m. and ten o'clock p. m., and that no offal or refuse shall be conveyed at any time unless the same be in tight boxes, barrels or vessels, from which no odor shall escape.

**1484. Public Pound—Care of Animals.] § 23.** That, no keeper of any public pound in said city, shall allow the same or any animal therein, by reason of any want of care, food, ventilation or cleanliness, or otherwise, to become or be dangerous or detrimental to human health.

**1485. Matter Offensive—Not to be Opened, Etc.—When—Permit.] § 24.** That, no ground or material filled with, offensive substance or matter, or that will emit or allow to arise through, or from the same any offensive smell or deleterious exhalation, shall be opened or turned up, or the surface thereof removed, between the first day of May and the first day of October of any year; except according to permit first obtained from the commissioner of health.

**1486. Intra Mural Burial—Prohibited.] § 25.** It shall be unlawful for any person, to bury any body, or bodies, of a human being, within the corporate limits of said city, or to deposite any such body, or bodies, in any vault within the limits of said city.

**1487. Privy Vault—Requirements.] § 26.** That each and every tenement in said city, used as a dwelling house, when not on a lot adjacent to a sewer, shall be furnished, by the owner or the agent of the same, with a suitable privy, the vault of which shall be sunk under ground at least ten feet deep, and shall be walled up with brick or stone, and shall be so constructed that the outside of said wall shall be at least three feet distant from the line of every adjoining lot, unless the owner of the adjoining lot shall otherwise agree, and shall

also be at least five feet distant from every street, alley, lane, or avenue, and such vault shall not be allowed to fill within six feet of the surface of the ground.

**1488. Privy—Offensive —Penalty.]** § 27. Whenever any privy in said city shall be kept in such condition that the smell arising therefrom shall become offensive to any portion of the citizens, the same shall be deemed and declared a nuisance, and the owner, occupant or agent of the lot or premises on which any such privy is located shall, upon conviction, be fined in any sum not exceeding ten dollars, nor less than five dollars, and the further sum of ten dollars for every day he shall suffer said nuisance to continue after his said conviction.

**1489. Depositing Garbage —Penalty.]** § 28. It shall not be lawful for any person to throw or deposit, or cause to be thrown or deposited, at any place in said city any vegetables, meat, slops, animal matter, suds, garbage, filth, stable droppings, or offal of any kind, which will produce an offensive smell, or whereby the health of any portion of the community may be affected or endangered; and every person violating the provisions of this section shall be deemed guilty of perpetrating a nuisance, and shall forfeit and pay not less than one dollar, nor more than fifty dollars for every offense.

**1490. Polluting River —Penalty.]** § 29. Any person who shall discharge or cause to be discharged into the Illinois river or Lake Peoria, within the limits of said city, any dead animal, offensive substance, or thing which shall produce an offensive or nauseous smell, or which might affect the purity of the water or endanger the health of any portion of the citizens, shall be deemed guilty of creating a nuisance; and every person so offending shall, on conviction, forfeit and pay not less than one dollar nor more than fifty dollars for every offense. And it shall be the duty of the superintendent of police to cause the same to be removed immediately, if

practicable, and charge the expense thereof to the offender or offenders, and sue for and collect the same by action of debt in the name of the city of Peoria.

**1491. Failure to Comply With Order of Board—Proceedings.]** § 30. Whenever the owner, or agent of any tenement used as a dwelling house, or for business or manufacturing purposes in said city, shall neglect the notifications of the board of health or superintendent of police with regard to abatement of nuisances arising from privy vaults, sinks or cess pools, said board may order the same cleaned and disinfected within ten days by the odorless apparatus or machine, and the expense shall be collected by an action of debt in the name of the city of Peoria.

**1492. Cess Pool—Cleansing Same—Disposition of Contents—Penalty.]** § 31. It shall be unlawful for any person, firm or company, to empty any privy vault, sink, cesspool or other receptacle of filth located in said city, except with an odorless machine, apparatus or process, which machine, apparatus or process must have been approved by the board of health, by a certificate in writing, issued to the person, firm or company proposing to engage in said business, by the said board and such certificate must be presented to the mayor before any license shall be issued for said business; any person, firm, or company owning or operating said odorless machine, apparatus or process shall be allowed a rate not exceeding three dollars per cubic yard, for all matter taken from such privy vaults, sinks or cesspools, and shall be required to deodorize and disinfect such vaults, sinks or cesspools, nor shall any such person, firm or company be permitted to empty or deposit the contents of any privy vault, sink or cesspool in any place other than that selected by the commissioner of health, who shall at all times have exclusive power to designate the place where the contents of any such privy vault, sink or



cesspool shall be emptied and deposited; and any person violating any of the provisions of this section shall be deemed guilty of perpetrating a nuisance.

**1493. Slops Etc., Thrown on Street Etc.—Penalty.]**

§ 32. It shall not be lawful for any person in said city to throw or deposit or cause to be thrown or deposited, any slops, suds, swill or other liquid substance, on or about the premises or lot occupied by him, in such manner that the same may run or be washed through, or upon an adjoining lot, premises, street or alley; and any person violating this section shall be deemed guilty of perpetrating a nuisance, and, on conviction, shall forfeit and pay not less than one dollar nor more than fifty dollars for every offense.

**1494. Stable, Etc.—Offensive—Penalty.]**

§ 33. It shall not be lawful for any person in said city to keep any hog pen, chicken coop, sink, cow-house, stable, or other thing or place, in such a condition that the smell arising therefrom shall be offensive to any person or neighborhood; and any person violating this section shall be deemed guilty of maintaining a nuisance, and, on conviction, shall forfeit and pay not less than one dollar nor more than fifty dollars for every offense.

**1495. Cesspool—Not to be Filled Until Cleaned—Penalty.]**

§ 34. That it shall be unlawful for the owner or agent of any tenement used as a dwelling house, or for business or manufacturing purposes, in said city, to cover with earth or fill up any abandoned privy vault, sink or cesspool, connected with or on said premises, unless the same shall have been thoroughly cleaned and disinfected by an odorless apparatus or machine; and any owner, or agent refusing or neglecting to comply with the terms of this section shall forfeit and pay the sum of five dollars, and the further sum of one dollar per day until the conditions of this section are complied with.

**1496. Privy Vault, Etc.—Hours for Emptying.]**

§ 35. No privy, or privy vault, or cess pool, shall be cleaned or

emptied at any other time than between the hours of ten o'clock p. m., and five o'clock a. m., and the contents thereof shall be carefully removed and transported beyond the limits of the city, by means of air tight apparatus, or in such manner as shall prevent entirely the escape of any noxious, or offensive odors therefrom.

**1497. Noxious Floating Matters — Exclusion from Streets.]** § 36. That no lime, ashes, coal, dry sand, hair, feathers, or other substances, that is in a similar manner liable to be blown by the wind, shall be seived, or agitated, or exposed; nor shall any mat, rug, carpet or cloth be shaken or beaten, nor any cloth, yarn, garment, or material or substance be scoured, cleaned or hung, nor any business be conducted over or in any street or public place, or where it or any particles, or odors, or dust therefrom, or set in motion thereby will pass into any street or public place, or into any occupied premises.

**1498. Offensive Occupations—Permit.]** § 37. It shall be unlawful for any person, or persons, or corporations, to establish or maintain, within the limits of the city of Pecria, or within one mile thereof, any tallow chandlery, tannery, soap factory, or place for bone crushing, bone boiling, bone grinding, bone burning, shell burning, gut cleaning or glue making, and it shall be unlawful to steam, boil or render any tainted lard, tallow, offal, or other unwholesome animal substance without first obtaining the consent of the city council; and whoever shall, having first obtained such permission and consent, so conduct or carry on any such business as to taint the air and render it offensive or unwholesome, or so as to affect the health or comfort of persons residing in the neighborhood thereof, shall be deemed guilty of maintaining a nuisance.

**1499. Livery Stables—Prohibited in Certain Places.]** § 38. That it shall be unlawful for any person to build, erect, place or construct any livery stable on any block in said

city on which are erected dwelling houses and business houses, or either of them, without first having obtained the written consent of the owners of the largest number of feet fronting on all the fronts of any such block, and also the consent of the city council of said city; nor shall any structure or building already erected on any such block, and not at present used or occupied as a livery stable, be hereafter used and occupied by any person as and for a livery stable, without first having obtained the consent as herein provided; and any person violating the provisions of this section shall forfeit and pay not less than fifty dollars, nor more than one hundred dollars, for every offense, and the further sum of twenty-five dollars, for every day any such livery stable may be used or occupied as such after the first conviction.

**1500. Rendering—Deodorizing.]** § 39. That all persons engaged in the business of boiling or rendering of fat, lard or other animal matter, shall cause the scraps or residuum to be so dried, or otherwise prepared, as to effectually deprive such material of all offensive odors, and to preserve the same entirely inoffensive, immediately after the removal thereof from the receptacles in which the rendering process may be conducted.

**1501. Rendering—How Conducted.]** § 40. That no fat, tallow or lard shall be rendered except, when fresh from the slaughtered animal, and in a condition free from sourness and taint, and all other cause of offense at the time of rendering, and that all melting and rendering shall be done in steam tight vessels, the gasses and odors therefrom to be destroyed by combustion, or other means equally effective, and according to the best and most approved means and processes; and everything preceding and following and in connection with such melting and rendering, and the premises where the same shall be conducted, must be free from all offensive odors, and other cause of detriment to the public health and comfort.

**1502. Manufacturers Generating Offensive Gasses, Etc.—Special Permit.]** § 41. That no person or firm, or corporation, shall hereafter erect, start or establish in said city, without the consent of the city council, any manufactory or place of business for boiling any varnish or oil, or for making any lampblack, turpentine or tar, or for conducting any other business that will or does generate any unwholesome, offensive or deleterious gas, smoke, deposit or exhalation, or any business that is or would be dangerous to life or detrimental to health.

**1503. Animals Kept—Ventilation and Food.]** § 42. That no cattle, horses or other animals shall be kept in any place in which the water, ventilation and food are not sufficient and wholesome for the preservation of their health and safe condition; and no place where any such animals are kept shall be over-crowded.

**1504. Stables, Etc.—Cleanliness of—Infected Animal.]** § 43. That every owner, or other person in control of the same, shall cause every stable or place where any cows, horses or other animals may be, to be kept at all times in a clean and wholesome condition, and shall not allow any animal to be therein while infected with any disease, contagious or pestilential among such animals.

**1505. Offensive Matter—Disinfected Before Removal.]** § 44. That all putrid or offensive matter, and all night soil, and the contents of sinks, privies, vaults and cess pools, and all noxious substances in said city, shall, before their removal or exposure, be disinfected and rendered inoffensive by the person who removes, or is about to remove, the same.

**1506. Passage of Vehicles on Streets — Storage of.]** § 45. That no cart or other vehicle for carrying offal, swill, garbage or rubbish, or the contents of any privy, vault, cess pool or sink, or having upon it, or in it any manure or other nauseous or offensive substance, shall remain or stand in or

upon any public place or street, longer than is necessary for loading, unloading and passing along any street; nor shall a needless number gather before any building, or near any place of business, or other premises where any person may be; nor shall any such cart or vehicle occupy any unreasonable length of time in loading or unloading or in passing along any street, or through any inhabited place or ground; nor shall any such cart or vehicle, or the driver thereof, of anything thereto appertaining, be (or by any person having a right to control the same be allowed to be) in a condition, needlessly filthy or offensive; and when not in use, all such carts and vehicles, and all implements used in connection therewith, shall be stored and kept in some place where no needless offense shall be given to any of the people of said city.

**1507. Removal of Offensive Matters —Disinfection of Vehicles.]** § 46. That no driver of any such cart or vehicle, nor any person having undertaken, or being engaged about the loading or unloading thereof, nor any person, or persons, engaged about the cleaning or emptying, or having undertaken to empty or remove any manure, garbage, offal, or the contents of any vault, sink, privy, cess pool, or any noxious or offensive substance, shall do or permit to be done about the same, or in connection therewith, that which shall be needlessly offensive or filthy in respect to any person, street, place, building or premises, and all carts or vehicles shall be thoroughly disinfected and put in an inoffensive condition when not in use.

**1508. Construction of Carts, Etc.]** § 47. All carts and vehicles, in the preceding section mentioned, and boxes, tubs and receptacles thereon, in which any substance in said section referred to may be or is carried, shall be strong and tight, so that no part of such contents or load shall fall, leak, or spill therefrom; and shall be adequately and tightly covered, so as to prevent the same from being offensive.



**1509. Noxious Refuse—Deposit of—When Prohibited.]**

§ 48. That no part of the contents of, or substances from any sink, privy or cesspool, nor any manure, ashes, garbage, offal, rubbish, dirt, nor any refuse or waste, or thing which by its decomposition could, or would become offensive to human beings, or detrimental to health, or create, or tend to create, a nuisance, shall be by any person thrown, deposited or placed upon any street or public place, nor upon any vacant lot of land or vacant place upon the surface of any lot of land within the city of Peoria, whether the lot be enclosed or otherwise without the written permission of the commissioner of health, nor shall any of said substances be allowed by any person to run or drop from the premises occupied by such person, into or upon any street or public place, nor upon any vacant lot of land, or vacant place upon the surface of any lot of land in said city; nor shall the same be thrown, deposited or placed by any person, nor allowed to fall or run from the premises occupied by such person into the river, save through the proper underground connection.

**1510. Deposit of Offensive Matters—Prohibited—Ma-**

**nure.]** § 49. That no pile or deposit of manure, offal or garbage, nor accumulation of an offensive or nauseous substance, shall be made within the limits of said city; nor shall any person contribute to the making of any such accumulations; nor shall any straw, hay or other substance which has been used as bedding for animals, be placed or dried upon any street, alley or sidewalk, or kept deposited or accumulated in such manner as to become offensive; nor shall any person or corporation unload, discharge or put upon or along the line of any railroad, street or highway, or public place within said city, any manure, offal, garbage or other offensive or nauseous substance; nor shall cars or flats loaded with or having in or upon them any such substance or substances be allowed to remain or stand on any railroad, street or highway within the

limits of said city, within three hundred yards of any dwelling house. All manure vaults attached to stables, where more than two horses are kept, shall, between April and November in each year, be emptied twice in each week, and such vault shall in no case be permitted to become a nuisance.

**1511. Diseased or Sickly Animal—Not to be Brought In.]** § 50. That no diseased or sickly animal of any kind or nature, nor any animal that has been exposed to any disease that is contagious among such animals, shall be brought into the city of Peoria.

**1512. Impure Ice—Sale of Prohibited.]** § 51. It shall be unlawful for any person to sell to any family, person or corporation, any impure ice, or any ice which shall contain filth, or any other matter, substance or thing, and which will render the water impure or the use of the same unhealthy.

**1513. Dead Animal—Deposit of—Penalty.]** § 52. No person shall place or deposit, or caused to be placed or deposited, at any place in said city, any dead horse, cow, hog, dog, or the carcass or remains of any animal whatever; and every person violating the provisions of this section shall be deemed guilty of perpetrating a nuisance, and on conviction, shall forfeit and pay not less than one dollar, nor more than one hundred dollars for every offense, and all expenses of removing and burying the same, which shall be taxed and collected as costs against such person.

**1514. Dead Animal—Owner, Etc.—To Remove on Notice—Penalty.]** § 53. When any dead animal shall be found in said city, it shall be the duty of the person owning such animal, at the time of its death, or of the person who deposited or caused the same to be deposited, to remove said animal, in such manner as to conceal the same from public view, forthwith beyond the limits of the city, and bury the same; and if the owner of such animal or the person who deposited it, on being notified thereof by the superintendent of police, or

any policeman or other person, shall, after a reasonable time, refuse or neglect to remove and bury the same as herein required, he shall forfeit and pay not less than one dollar, nor more than twenty-five dollars, for every offense, and shall also pay the expense of removing and burying the same, which shall be taxed and collected as costs against such person.

**1515. Dead Animal on Lot—Owner to Remove—Penalty.]** § 54. When any dead animal shall be found on any lot or part of lot in said city, it shall be the duty of the person owning or occupying such lot, or part of lot, to cause the same to be removed forthwith; and such owner or occupant of such lot or part of lot, or any other person removing said animal, may collect the expense of such removal from the person owning or depositing such dead animal; and if any owner or occupant of any lot, or part of lot, shall fail or neglect to remove such dead animal, he shall forfeit and pay not less than one dollar, nor more than twenty-five dollars, for every offense.

**1516. Dead Animal—Police to Remove]** § 55. When any dead animal shall be found in said city, and shall not be removed within a reasonable time, it shall be the duty of the superintendent of police, or any policeman, on complaint thereof being made by any person, to cause the same to be removed and buried at the expense of the city of Peoria.

**1517. Exposing Animal to View, Etc.]** § 56. It shall be unlawful for any person, or persons, to haul, drag or otherwise remove any dead animal along or upon any street, avenue, alley, or other public place within the city, unless such dead animal is wholly covered so as to completely conceal the same from view; and it shall be unlawful for any person, or persons, to skin or otherwise mutilate any dead animal within said city, except at such place, or places, as may be from time to time designated for that purpose.

**1518. Manufactories, Etc.—Removal of Ashes, Smoke, Cinders, Etc.—Not to Escape.]** § 57. That, the owners, lessees, tenants and managers of every blacksmith, or other shop, forge, coal yard, foundry, manufactory and premises where any business is done, shall cause all ashes, cinders, rubbish, dirt and refuse to be removed to some proper place, so that the same shall not accumulate at any of the above mentioned premises, or in the appurtenances thereof, nor the same become filthy or offensive; nor shall any smoke, cinders, dust, gas or offensive odor be allowed to escape from any such building, place or premises, to the detriment, or annoyance of any person not being therein or thereupon engaged.

**1519. Dead Body—Not to be Retained or Exposed.]** § 58. That, no person shall retain, expose or allow to be retained or exposed, the dead body of any human being, to the peril or prejudice of the life or health of any person.

**1520. Animal or Thing Imperiling Health—Exposure Prohibited.]** § 59. That, no person shall take, carry or expose, or place, or induce any other person so to do, in or upon any street, or public place, any substance, animal or thing which shall imperil the safety or health of any person who is or may properly be in such street or place.

**1521. Animal or Thing Occasioning Nuisance—Keeping Prohibited.]** § 60. That, no person shall bring into said city or keep therein, for sale or otherwise, either for food or for any other purpose or purposes whatever, any animal, dead or alive, matter, substance or thing which shall be, or which shall occasion a nuisance in said city, or which may or shall be dangerous or detrimental to health.

**1522. Building, Etc., Causing Nuisance Prohibited.]** § 61. That, no building, vehicle, structure, receptacle or thing used, or to be used, for any purpose whatever, shall be made, used, kept or maintained, or operated in the city, if the

use, keeping, maintaining or operating of such building, vehicle, structure, receptacle or thing, shall be the occasion of any nuisance, or dangerous, or detrimental to health.

**1523. Premises Offensive—Penalty.]** § 62. Any store, house, factory, building or structure of any kind, or any grounds or premises kept, permitted or suffered to remain for twenty-four hours in such condition as to be offensive to the neighborhood, dangerous or prejudicial to the health or safety of the occupants, or other persons, is hereby declared a nuisance; and the owner, proprietor, lessee or agent of such store, house, factory, building or structure of any kind, or grounds or premises, shall be subject to a fine of not less than ten dollars, nor more than one hundred dollars, and to a like fine for every twenty-four hours such nuisance shall continue after the first conviction.

**1524. Business Causing Nuisance—Prohibited.]** § 63. That no substance, matter or thing, of any kind whatever, which shall be dangerous or detrimental to health, shall be permitted to exist in connection with any permitted business, or be used therein, or to exist in connection therewith, or to be used in any work or labor carried on, or to be carried on, or prosecuted in said city; and that no nuisance shall be permitted to exist in connection with any business, or in connection with any such work or labor.

**1525. Penalties.]** § 64. That any person, firm or corporation, who violates, disobeys, omits, neglects or refuses to comply with, or who resists any of the provisions of this article, or who refuses or neglects to obey any of the rules, orders, or sanitary regulations of the department of health, or who omits, neglects, or refuses to comply with, or who resists any officer or order, or special regulation of said department of health, when no other penalty is provided, shall, upon conviction, be subject to a fine of not less than five dollars, nor more than two hundred dollars for each offense.



**1526. Ambulances — Right of Way — Obstruction of — Penalty.]** § 65. The ambulances of the department of health, while engaged in going for or in carrying sick or wounded persons to or from the hospitals, or other places, shall have the right of way in the streets of the city, as against any person, carriage or incumberance, put, driven or being in said streets; and no person shall obstruct said ambulance while so engaged, if there shall be an opportunity to get out of the way of the same, under a penalty of ten dollars for each offense.

**1527. Enforcing of this Article — Duty of Officer.]** § 66. It shall be the duty of the commissioner of health and the superintendent of police to cause this article to be enforced, and to make complaint against and cause to be prosecuted all persons violating the provisions of this article.

## ARTICLE 25.

### HORSES.

#### Section.

- 1528. Speed Regulated—Penalty.
- 1529. Intersections and Corners—speed at — Penalty.
- 1530. Alleys—Speed in—Penalty.
- 1531. Not to be Loose in Street—Penalty
- 1532. Horses on Sidewalk—Penalty.
- 1533. Racing in Street—Penalty.

#### Section.

- 1534. Construction of Last Preceding Section.
- 1535. Sleigh or Sled—Bells—Penalty.
- 1536. Speed on Bridges—Penalty.
- 1537. Animal Standing Unhitched — Penalty.

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**1528. Speed Regulated—Penalty.]** § 1. No person shall ride or drive any horse or horses, or other animal, in the city of Peoria, at a greater speed than at the rate of eight miles an hour, under a penalty of ten dollars for each offense.

**1529. Intersections and Corners — Speed at — Penalty.]** § 2. No person, upon turning the corner of any street or crossing the intersection of any street, in the city of Peoria, shall ride or drive any horse or horses, or other animal, with greater speed than at the rate of four miles an hour, under the

penalty of ten dollars for each offense: *Provided*, that this article shall not be held to apply to the fire department in answering any alarm of fire, nor to the police patrol.

**1530. Alleys—Speed in—Penalty.]** § 3. No person shall ride or drive any horse or horses, or other animal, in or through any alley, in the city of Peoria, or at the time of driving from, or quitting such alley, at a greater rate of speed than a walk, under the penalty of ten dollars for each offense.

**1531. Not to be Loose in Street—Penalty.]** § 4. No horse shall be suffered or permitted to go loose or at large in any of the streets in the city of Peoria, under the penalty of ten dollars for every offense, to be paid by the owner or person having the care, charge, or keeping thereof.

**1532. Horses on Sidewalk—Penalty.]** § 5. No person shall suffer or permit to go, or lead, or ride, or drive any horse or other animal, upon any sidewalk in the city of Peoria, under a penalty of not less than one dollar, nor more than twenty-five dollars, for each offense, to be paid by the owner or person having the care, charge or keeping thereof.

**1533. Racing in Street—Penalty.]** § 6. No person shall run or race any horse or other animal in any public street, road or avenue in the city of Peoria, under a penalty of ten dollars.

**1534. Construction of Preceding Section.]** § 7. The last preceding section of this article shall be construed to prevent and punish the running, racing, or trotting of any horse or horses, for any trial of speed, for the purpose of passing any other horse, or horses, whether the same be founded upon any stake, bet or otherwise.

**1535. Sleigh or Sled—Bells—Penalty.]** § 8. No person shall drive a horse or other animal before a sleigh or sled, through any of the public streets, avenues, or alleys of this city, unless there shall be a sufficient number of bells attached to the harness of such horse, or to such sleigh or sled, to warn

persons of his approach, under the penalty of not less than five dollars, nor more than ten dollars, for each offense, to be paid by the driver, owner or person having the care, charge or keeping thereof.

**1536. Speed on Bridges—Penalty.]** § 9. No person shall lead, ride or drive any horse or horses, or other animal, over or upon any of the bridges in the city of Peoria, or under the control of said city, at any other pace than a walk, under a penalty of not to exceed ten dollars for each offense.

**1537. Animal Standing Unhitched—Penalty.]** § 10. No person shall leave any horse, or other animal, attached to any carriage, wagon, cart, sleigh, sled or other vehicle, in any street, avenues, alleys or lanes of this city, without securely fastening such horse, or other animal, under a penalty for each offense of not less than three dollars, nor more than fifty dollars.

## ARTICLE 26.

### HOUSE-MOVERS.

#### Section.

1538. House Movers—License—Penalty.

1539. License Fee—Bond—Conditions.

#### Section.

1540. Iron Stakes, Etc., Prohibited on Paved Streets.

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**1538. House-Movers—License—Penalty.]** § 1. No person, firm, or corporation, shall remove or raise any building within said city, unless he shall have obtained a license as a house-mover, under a penalty of not less than ten dollars, nor more than two hundred dollars, for each offense.

**1539. License Fee—Bond—Condition.]** § 2. Any person may obtain a license as a house-mover, upon the payment of a license fee of twenty-five dollars per annum, and the execution to the city, of a bond in the sum of one thousand dollars, with at least two sureties, to be approved by the mayor, conditioned among other things that said party applying for

such license will pay any and all damages which may happen to any tree, pavement, street or sidewalk, or to any telegraph, telephone, electric light or electric street car pole, or wire, within said city, whether such damage or injury shall be inflicted by said party or his agent, employes or workmen, and conditioned also that said party will save and indemnify and keep harmless the city of Peoria from all liabilities, judgments, costs and expenses, which may in any wise accrue against said city in consequence of the granting of such license, or any permit, and will in all things comply with the ordinances of the city and all permits granted to him.

**1540. Iron Stakes, Etc.—Prohibited on Paved Streets.]**

§ 3. It shall be unlawful for any house-mover, or other person to drive iron or other stakes in any cedar block, brick, stone or asphalt pavement within said city, under a penalty of not exceeing one hundred dollars, for each offense, and a forfeiture of any license as house-mover the person convicted may hold, and such forfeiture shall be entered up as a part of the penalty upon any such conviction.

ARTICLE 27.

ITINERANT MERCHANTS AND TRANSIENT VENDORS.

Section.

1541. Itinerant Merchants—License.

1542. Itinerant Merchants, Etc., Defined.

1543. License Required—Penalty.

Section.

1544. License Fee.

1545. Construction.

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**1541. Itinerate Merchants—License.]** § 1. It shall be unlawful for itinerant merchants and transient vendors of merchandise, to carry on their business or occupation, within the city, without having first obtained a license therefor, as herein provided.

**1542. Itinerent Merchant, Etc.—Defined.]** § 2. Every person, firm, or corporation, who goes from one city or village to another, stopping only a limited period of time in each, for

the purpose of selling goods, wares and merchandise, shall be held and deemed to be an itinerant merchant, or transient vendor of merchandise.

**1543. License Required—Penalty.]** § 3. Every such person, firm or corporation, shall, before engaging, in any way, in the business of itinerant merchant, or transient vendor of merchandise, within the city of Peoria, obtain a license therefor, under a penalty of not less than five dollars, nor more than fifty dollars for each offense; and every day, or part of a day, any such person, firm or corporation shall engage in said business without a license, shall be deemed a separate offense.

**1544. License Fee.]** § 4. Every person, firm or corporation, who is desirous of carrying on the business of itinerant merchant, or transient vendor of merchandise, as herein provided, within said city, shall obtain a license therefor, from the mayor, upon payment to the city clerk, of the sum of fifty dollars for a month's license, and no license for a less period than one month shall be granted.

**1545. Construction.]** § 5. This article shall not be so constructed as to apply to any person or person, coming into the city, from the country, with any produce for market; or to any person selling vegetables, berries or the produce of their own farms or premises; nor shall commercial travelers employed by wholesale houses, in selling staple articles of merchandise, to merchants of this city, or to permanent traders doing business in this city, be deemed to be within the meaning of this article.



## ARTICLE 28.

## LIBRARY.

## Section.

1546. Free Library and Reading Room Established.

1547. Board of Directors.

1548. Injuring Book—Penalty.

## Section.

1549. Injury to Furniture, Etc.—Penalty.

1550. Failure to Return Book—Penalty.

**1546. Free Library and Reading Room—Established.]**

§ 1. There is, hereby, established a free public library and reading room for the use of the inhabitants of the city of Peoria, which shall be known as “The Peoria Public Library.”

**1547. Board of Directors.]** § 2. That said library shall be under the supervision and management of a board of directors, to be appointed in accordance with the provisions of the statutes of the state of Illinois relating to public libraries, and said board of directors shall have all the powers and authority conferred by any such statutes.

**1548. Injuring Book—Penalty.]** § 3. That any person who shall wilfully or maliciously cut, write upon, injure, deface, tear or destroy any book, newspaper, plate, picture, engraving or statue belonging to the Peoria Public Library, shall be liable to a fine of not less than five dollars, nor more than fifty dollars for every such offense.

**1549. Injury to Furniture, Etc.—Penalty.]** § 4. That any person who shall wilfully, or maliciously, commit any injury upon the Peoria Public Library, or upon the grounds, buildings, furniture or fixtures, or other property thereof, shall be liable to a fine of not less than ten dollars, nor more than one hundred dollars for every such offense.

**1550. Failure to Return Book—Penalty.]** § 5. Any person who shall fail to return any book belonging to the Peoria Public Library according to the requirements of the by-laws duly made and adopted by the directors of such library for the government thereof, shall be liable to a fine of not less than five dollars, nor more than ten dollars for every such offense.

ARTICLE 29.

LICENSES.

Section.

- 1551. License—By Whom Granted—Mayor's Discretion—When.
- 1552. Issued—How.
- 1553. License—Term of.
- 1554. Bonds—When Required—By Whom Approved.
- 1555. Clerk and Comptroller Shall Register License.

Section.

- 1556. Fees for Issuing License.
- 1557. Transfer of License, How and When—Bond.
- 1558. License Subject to Ordinances—Prosecution—Revocation of.

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**1551. Licenses—By Whom Granted—Mayor's Discretion—When.]** § 1. In all cases where it is not otherwise expressly provided, the mayor shall hear and grant all applications for licenses upon the terms specified in any of the ordinances of the city; and, all licenses shall be issued to such person, or persons, as shall comply in all respects with the provisions of the ordinances of the city, and as the mayor, in his discretion, shall deem suitable and proper persons to be licensed: *Provided*, that the mayor may, in his discretion, refuse to grant any application for a license, until the same shall have been ordered by the city council, to whom he shall refer such application at the next regular meeting of the council.

**1552. Issued—How.]** § 2. Each and every license authorized and required by any ordinance of said city, and granted by the mayor, or city council, shall be issued by the city clerk upon the payment to him of the license fee or tax, and not otherwise. Every license shall be signed by the mayor, attested by the clerk under the corporate seal, and countersigned by the comptroller; and no person shall be deemed to be licensed in any case until the actual payment of the license fee or tax, and the issuing of the license in due form, signed, attested, sealed and countersigned as herein required.

**1553. License—Term of.]** § 3. All licenses shall be granted for a period of one year, unless otherwise provided by ordinance.

**1554. Bonds—When Required—by Whom Approved.]** § 4. That unless otherwise provided by ordinance, the mayor is hereby authorized, in his discretion, to approve of the security in all cases where the ordinances require a bond to be given to the city before a license shall issue, and said bond, when so approved, shall be filed in the office of the city clerk.

**1555. Clerk Shall Register Licenses.]** § 5. It shall be the duty of the clerk, and comptroller, to register, in suitable books, all licenses issued under the ordinances of said city, entering the name of the person licensed, the date of the license, for what purpose granted, date of expiration, the amount paid, the name of the security on the bond, and in case of vehicles porters and runners, the number of the same, which shall also be inserted in the license; if transferred, to whom, and the date of the transfer; and in case of licenses to sell liquor, the house or place where the same is to be sold, must be designated, and a column must be set apart for remarks.

**1556. Fees for Issuing License.]** § 6. That the fees of the clerk for issuing a license for any vehicle shall be fifty cents each; and for issuing each license for any other purpose, the clerk's fees shall be one dollar and fifty cents; and all of said fees shall be added to the amount charged for the license and paid over to the city treasurer.

**1557. Transfer of License—How and When—Bond.]** § 7. Any person to whom any license, may have been issued under any ordinance of the city, may with the consent of the mayor, in writing, assign or transfer the same to any other person, or persons, and the person, or persons, to whom such license is issued, or the assignee, or assignees

thereof, may, with the permission of the mayor, surrender such license and have a new license issued for the unexpired term of the old license, authorizing the person, or persons, to whom such old license was assigned or transferred, to carry on the same business, or occupation at such place as may be named in such old license: *Provided*, that in all cases the party applying for such new license shall give a new bond with securities which shall conform, as near as may be, to the bond upon which such surrendered license was issued.

**1558. License Subject to Ordinances—Prosecution—Revocation of.]** § 8. All licenses shall be subject to all ordinances and regulations which may be in force at the time of issuing thereof, and all ordinances which may subsequently be made by the city council; and if any person so licensed, shall violate any of the provisions of any ordinance regulating, or relating to the business for which he is licensed, he shall be proceeded against for any fine or penalty imposed thereby, and, upon conviction, the mayor may, in his discretion, revoke his license.

## ARTICLE 30.

## MARKETS.

## Section.

- 1559. Location of Central Market.
- 1560. Market Days—Market Hours.
- 1561. Sale of Diseased Live Animal—Penalty.
- 1562. Animal's Feet Not to be Tied Together—Penalty.
- 1563. Animals — Place to confine — To be Provided—Penalty.
- 1564. Butchers—Slaughtering at Market — Cleanliness—Penalty.
- 1565. Market House—Hitching Animals to — Cleanliness — Penalty.
- 1566. Scales — Kind to be Used — Fruit—Measurement of—Penalty.
- 1567. Lunch Counter—Permit—Penalty.
- 1568. Stand and Stalls—Regulations.
- 1569. Stands—Tenants must procure Lease —Penalty.
- 1570. Stands, Etc. — Limitation as to Number Occupied by One Person.
- 1571. Market Master — Office Created—Appointment—Term.
- 1572. Market Master's Bond.
- 1573. Duties—Power of Arrest.
- 1574. Market—Cleanliness—Penalty.
- 1575. Notice of Closing Market — Sales After Closing Time—Penalty.
- 1576. Arrangement of Articles — Subject to Market Master—Penalty.
- 1577. Market Master—Collection Record.
- 1578. Market Master — Standard Scales—False Weights—Penalty.
- 1579. Market Master—Attend Market Daily —Duty.
- 1580. Occupant of Stall—Space in Front—Penalty.
- 1581. Lessees of Stalls—Penalty.
- 1582. Sale to Boats—Permission.
- 1583. Packers—Sales in Less Quantities than One Hundred Pounds—Penalty.
- 1584. Fish Market—Place of—Penalty.
- 1585. Market Committee—Rules and Regulations.

## Section.

- 1586. Market—Removal of Articles from—Penalty.
- 1587. Regulations to be Enforced.
- 1588. Live Stock Not to Stand on Street.
- 1589. Stands for Wood, Coal, Hay and Straw.
- 1590. Wagon—Permission to Stand in Front of Premises—Penalty.
- 1591. Disorderly Conduct—Penalty.
- 1592. Weighmasters — Appointment — Removal.
- 1593. Weighmaster to Give Bond.
- 1594. Other Scales for Prohibited.
- 1595. Hay, Straw, Coal or Coke—Weighing Penalty.
- 1596. Price of Weighing.
- 1597. Weighmaster—Record.
- 1598. Weighmaster—Report to Council.
- 1599. Weight of Wagons.
- 1600. Weighmaster — Price for Weighing Miscellaneous Articles.
- 1601. Certificate of Weight—Purchasers—Penalty.
- 1602. Sale Without Weighing—Penalty.
- 1603. Weighmaster—Care of Scale.
- 1604. Weight per Bushel and Barrel of Certain Articles Fixed.
- 1605. Weight—Computation of.
- 1606. Fire Wood — Measurement of — Penalty.
- 1607. Wood Wagons—Open.
- 1608. Measurement of Wood.
- 1609. Cord of Wood—Computation of.
- 1610. Weighmasters — Record of Wood Measurement.
- 1611. Purchaser of Wood—Certificate.
- 1612. Report of Wood Measurements.
- 1613. Price of Measuring Wood.
- 1614. Sale Without Measurement—Penalty.
- 1615. Certificate of Measurement—Refusal to Exhibit—Penalty.
- 1616. Compensation of Weighmaster.

**1559. Location of Central Market.]** § 1. That all of lots one (1) and two (2), in block twelve (12), on the corner of Madison and Fulton streets, in the city of Peoria, and the buildings now erected thereon, except that part now used by the city, as a patrol station, and the space outside of said lots



extending to the center of said Madison and Fulton streets, and including the southwest half of Madison street, along the center of said Madison street, from the central market to the intersection of said Madison street with Liberty street, and, also including the southwest half of Fulton street, along the center of said Fulton street, from the central market to the intersection of said Fulton street with the upper side of the line of the building now used and occupied by the city as a patrol station, the yard thereto, and the space in front thereof, shall be known and designated as the "Central Market of the City of Peoria."

**1560. Market Days—Market Hours.] § 2.** That each and every day in the week, except Sundays, shall be considered market days, and market hours shall commence at such time in the morning as may be fixed by the committee on markets and city scales: *Provided*, that such time be not earlier than daylight, and continue until eleven o'clock a. m., except on Saturdays, when the market may be opened again at four o'clock p. m., and continue open until nine o'clock p. m., and any person, or persons, having articles for sale may remain at said central market for the purpose of selling the same until eleven o'clock a. m. of each day, under the same rules and regulations to which such person or persons may be subject during the market hours.

**1561. Sale of Diseased Live Animal—Penalty.] § 3.** That it shall not be lawful for any butcher, or other person to sell, or offer, or expose to sale in said market, or elsewhere in said city, any sick or diseased live animal, of any kind whatever usually eaten for food, and for the purpose or with the design that the same shall be used for food, knowing the same to be sick or diseased; and every person so offending shall forfeit and pay not less than five dollars, nor more than one hundred dollars for each and every animal so sold or exposed to sale.

**1562. Animals—Feet Not to be Tied Together—Penalty.]** § 4. That it shall not be lawful for any butcher, farmer, or other person to bring to said central market, or to any other place within the city of Peoria, any calf, sheep, lamb, hog, shoat, or other animal intended to be sold, offered or exposed for sale, to be killed or slaughtered for the purpose of food, when the feet or legs of such animal are tied together; nor shall it be lawful for any butcher, or other person or persons, who shall purchase or otherwise become possessed of any calf, sheep, lamb, hog, shoat, or other animal, to tie, or to keep such animal tied in the manner aforesaid at any place in said city. Any person or persons violating the provisions of this section shall pay any sum not less than five dollars, nor more than twenty-five dollars.

**1563. Animals—Place to Confine to be Provided—Penalty.]** § 5. That the market committee shall procure a suitable place, and build thereon a shed with suitable stalls therein, where all live calves, sheep, lambs, hogs, shoats, or other small animals, purchased at said central market shall, immediately after such purchase, or when possessed in any other way, be confined, with their feet and legs free and untied, as provided by the foregoing section; and any person or persons purchasing or otherwise obtaining any such animal, and failing to remove the same from said central market at once, or if he fail to have the said animal confined in said shed, as required, or if, after having the same confined in said shed, he shall neglect to remove the same therefrom by twelve o'clock M. of every market day, he shall forfeit and pay not less than three dollars, nor more than twenty-five dollars for every offense.

**1564. Butchers—Slaughtering at Market—Cleanliness—Penalty.]** § 6. It shall not be lawful for any butcher, or any other person, to kill or slaughter, or permit to be killed or slaughtered, at their shops or places of business in said city,

any beast or animal whatever, or bring into, or suffer or permit to be brought into, or placed in said shops, or premises at any time, the head, shanks, or feet of any animal, unless the same be skinned or properly cleaned, nor any hides or skins of any kind, or at any time bring or deposit, or suffer to be brought or deposited, any offal or filth of any kind, in, upon or about said premises, but the same shall be at all times kept clean and free from all disagreeable and unwholesome odor; and any person violating the provisions of this section shall forfeit and pay ten dollars for every offense.

**1565. Market House—Hitching Animals to—Cleanliness—Penalty.]** § 7. That no person shall fasten or hitch any horse, mule, or other animal, to any post, spouting, door, window, awning post, pillar, gate or railing of said market house, nor shall any person kill or slaughter within the limits of said market any beast or animal whatever, or lay or deposit any dirt, brine, slops, waste water, hides, skins, offal or filth of any kind, in, upon or about said market, nor do, or cause to be done, any act tending to pollute the water in the well in said market house; and any person violating the provisions of this section shall forfeit and pay any sum not less than two dollars nor more than twenty-five dollars.

**1566. Scales—Kind to be Used—Fruits—Measurement of—Penalty.]** § 8. That no meats, butter, or other articles usually sold by weight or measure, and offered for sale in or about said market, or elsewhere in said city, shall be sold by other weights, scales or measures than such as have been legally regulated and sealed by the city inspector; and all berries, currants, cherries, plums and other small fruits shall be sold by the quart, peck, or by other measures, which shall be sealed as herein required. Any person violating the provisions of this section shall forfeit and pay a sum not less than two dollars, nor more than twenty-five dollars.

**1567. Lunch Counter—Permission—Penalty.]** § 9. That no person shall be permitted to set up or keep in said

market any table, board, or contrivance for the purpose of eating or drinking at, about, or upon, without the permission of the market committee, which shall not extend beyond the regular market hours, nor shall any such table, board or contrivance as aforesaid, be kept in or upon any other place, except as designated by said market committee; and any person violating this section shall forfeit and pay not less than two dollars, nor more than ten dollars.

**1568. Stands and Stalls—Regulation of.]** § 10. Stalls and stands shall be regulated as follows:

*First.* The stalls and stands within the limits of said central market shall be numbered and annually marked out, defined, and appraised by the market committee, and submitted by said committee to the city council at the first regular meeting of said council, for approval, in the month of February in each and every year, and a plat of such stalls and stands shall be made, and said plat, with the prices that such stalls or stands shall be rented for, affixed thereto, and shall be deposited in the office of the city clerk, at least ten days before the day appointed for the leasing of such stalls and stands, for the inspection of such persons as may be interested therein; and such stalls or stands shall be annually leased, at such appraised value, by said market committee, on Wednesday after the third Tuesday in March, of each and every year: *Provided*, that no such stall or stand shall be leased at any time for less than one year, except in case if any such stall or stand shall not be leased at the appointed time, or shall thereafter become vacant, then, and in that case, said market committee may lease any such stall or stand for the unexpired part of such year.

*Second.* Any person leasing, or offering to lease, any stall or stand at its appraised valuation, shall, at the time of so doing, pay to the city clerk, in case it be a stall, ten dollars, or in case it be a stand, five dollars, which sum shall be credited upon the first installment of rent for such stall or stand; and if such person, or persons, fail within three days

thereafter to execute the lease for such stall or stand, as proposed by him and the market committee, then the said sum shall be forfeited to the city.

*Third.* No person, or persons, shall occupy any such stall or stand until the first two months' rent therefor shall have been paid, nor until such person, or persons, shall have given good and sufficient security, to be approved by the market committee, for the faithful payment of such year's rent, which shall be paid in installments monthly in advance, and no person indebted to the city of Peoria for rent of stall, or stand in the central market in said city, shall be given a lease of any stand, stall or other privileges therein, until all arrears and past indebtedness due to the city is fully paid.

*Fourth.* That in case two or more persons shall desire to lease the same stall or stand, the same shall be let to the highest and best bidder, filing his bid therefor with the city clerk within five days after the third Tuesday in March of each year.

*Fifth.* The market committee shall give at least ten days, public notice of the leasing of the stalls and stands in the said central market, by advertising in all the official newspapers of the city, and such notice shall state the time when, and the place where, applications for the leasing of the stalls and stands in and around said market will be received by them.

*Sixth.* That the market committee shall, after any stall or stand has been leased to any person or persons, and after the first installment of rent therefor has been paid, and after the security for the payment of the remaining installments of rent has been received and approved, notify the city clerk, and hand over to him the first installment of rent, and the securities for the remaining installments of rent, stating what stall or stand has been leased, to whom, for what term, and for what price ; and upon said notice being given, said clerk shall make out such lease, under his hand and the seal of the city of Peoria, according to the provisions of this article, and



the market master shall collect all rents accruing thereon, as they become due, make report thereof to the comptroller, and pay over the same to the city treasurer, and all such leases shall be countersigned and registered by the city comptroller.

**1569. Stands — Tenants Must Procure Lease — Penalty.]** § 11. It shall be unlawful for any person to use or occupy any stand, stall or place, within said market, without first having procured a lease from said city, and fully complying with the ordinances and all rules and regulations passed in relation to said market; and any person violating the provisions hereof shall forfeit and pay not less than two dollars, nor more than twenty-five dollars, for each offense.

**1570. Stands—Etc.—Limitations as to Number Occupied by One Person.]** § 12. That no person shall occupy more than one stand, nor more than two stalls, in or about said market, and that all stalls or stands leased to persons shall be used and occupied by them for the purpose specified in their respective leases therefor; and should any of such stalls or stands so leased become unoccupied or cease to be used for the purposes for which the same were leased, then and in such case, the market committee shall have the power to declare the lease for such stalls or stands forfeited and void, and the said market committee may then lease such stalls, or stands, for the unexpired term of said first lease; and in no case shall the amount paid as rent on such stalls or stands, or any part thereof, be refunded to the person thus forfeiting such lease to any such stalls or stands.

**1571. Market Master — Office Created — Appointment — Term.]** § 13. There is hereby created the office of market master, of the city of Peoria, who shall hold his office for two years, and until his successor shall be appointed and qualified. Such market master shall be appointed by the mayor, by and with the advice and consent of the city council, on the first Tuesday in May, 1892, or as soon thereafter as may be, which

first appointment shall be for the term of one year, and until his successor is appointed and qualified, and thereafter said appointment shall be made on the first Tuesday in May, 1893, and biennially thereafter.

**1572. Market Master's Bond.]** § 14. Said market master shall, before entering upon the duties of his office, execute and deliver to the city of Peoria, a good and sufficient bond, in the penal sum of two thousand dollars, with such securities as the city council may approve, conditioned that he will faithfully perform the duties of his office, as prescribed by the ordinances of said city, and the rules and regulations governing the market, and that he will account for, and pay over, all moneys and property received by him.

**1573. Duties—Power of Arrest.]** § 15. It shall be the duty of the market master to see that the ordinances regulating the sale of poultry, meat, fruit and vegetables, and other food products, and also the ordinance regulating the market, be observed, and that persons in and around said market, conduct themselves in a peaceable and orderly manner; and to arrest, or cause to be arrested, every person who shall violate any of the provisions of the ordinances regulating the market, or who shall disobey the lawful directions of the market master, or conduct himself in a disorderly manner, in or about said market.

**1574. Market Cleanliness—Penalty.]** § 16. That said market master shall keep, or cause to be kept, clean all doors, windows, passage-ways and walks in or about and around said market. And in case the lessee, occupant, or person in charge of any stall, or stand in said market shall not clean the same, or cause the same to be cleaned, it shall be the duty of said market master, after giving due notice to such lessee or occupant, as herein directed, to cause the same to be done, at the expense of such lessee or occupant; and any person refusing or neglecting to pay for cleaning such stall, or stand, when

requested so to do, shall forfeit and pay a penalty of not less than two dollars, nor no more than five dollars for each offense.

**1575. Notice of Closing Market—Sales After Closing Time—Penalty.]** § 17. That it shall be the duty of said market master, one half-hour before the closing of the market, to give notice, by ringing a bell or otherwise, to the occupants of stalls and stands in or about said market, when they shall immediately prepare their meats, fish, provisions and whatever other articles may be there, for removal, and they shall promptly remove the same at the hour designated for closing; and said market master shall have charge of the keys of said market, and shall open and close the same as provided in this chapter; and any person attending such market with articles for sale, who shall remain within or around said market for the purpose of selling the same for the space of thirty minutes, or upwards, after the hour specified for closing said market, as aforesaid, shall forfeit and pay not less than two dollars, nor more than twenty-five dollars.

**1576. Arrangement of Articles — Subject to Market Master—Penalty.** § 18. That it shall be the duty of such market master to give directions respecting the arrangement or removal of any article, vehicle, cart, wagon, table, box or other thing in or about said market; and any person who shall neglect or refuse to obey such directions, shall forfeit and pay for every such offense, not less than two dollars, nor more than fifty dollars; and in case of the refusal or neglect of any person, or persons, to obey the directions of said market master, it shall be lawful for, and the duty of said market master, forthwith to remove such article, cart, wagon, vehicle, box, basket, or other thing, to such place as he may think proper; and to enable such market master to perform such duty, he shall be authorized to call upon the superintendent of police, or any policeman, for such assistance as he may require.

**1577. Market Master — Collections — Record.]** § 19. That said market master shall, daily, collect such dues as may

be fixed by the market committee of the council, from all persons vending, or in any way disposing of marketable articles of any kind, from any wagon, cart, or other vehicle, or from any hand-cart, wheel-barrow, basket or table, other than those belonging to stalls or stands, rented as hereinbefore provided, and any persons refusing or neglecting to pay such dues, when requested to do so, shall forfeit and pay not less than two dollars, nor more than twenty-five dollars; and said market master shall keep an accurate record of all moneys paid him, and shall weekly pay over to the city treasurer all dues, or moneys, collected by him by virtue of the provisions of this section, and make report thereof to the comptroller.

**1578. Market Master — Standard Scales — False Weights—Penalty.]** § 20. Said market master shall keep in his office a pair of standard scales, and a set of measures, and it shall be his duty to weigh any article for any person who shall feel aggrieved on account of short weight, or measure; and in all cases where the scales, weights or measures with which any article shall be weighed or measured in said market are not correct, and in accordance with the standard weights and measures kept by the market master the person so weighing, measuring and selling the same shall, on conviction, forfeit and pay not less than three dollars, nor more than fifty dollars for every offense.

**1579. Market Master—Attend Market Daily—Duties.]** § 21. That it shall be the duty of said market master to attend said market daily, and to perform such other duties as may from time to time be required of him by the market committee; and the said market master is hereby required to report forthwith all offenses against the provisions of this ordinance to the city attorney for prosecution.

**1580. Occupant of Stall — Space in Front — Penalty.]** § 22. That no person renting any stall or stand, in or about said market, shall use or occupy, for any purpose whatever,

any space in front of said stall or stand, and any person or persons violating any of the provisions of this section shall forfeit and pay, for the use of said city, the sum of five dollars for each offense.

**1581. Lessees of Stalls—Penalty.]** § 23. That all persons leasing, renting, occupying, or using in said market any stall or stand, or occupying any shop, stall, stand, or other place elsewhere in said city under this chapter, shall be subject to and be governed by all the provisions, conditions and penalties of this chapter, and all ordinances, resolutions and rules that may hereafter be passed by the city council in relation to said market, or regulating the business connected therewith.

**1582. Sale to Boats—Permission.]** § 24. That nothing contained in this ordinance shall prohibit the sale of meats or other marketable articles of any kind to boats running on the Illinois river, at any time or place in said city, by butchers or other persons occupying stands or stalls in said market, or by butchers licensed to sell meat under this chapter outside of said market.

**1583. Packers—Sale in Less Quantity than One Hundred Pounds—Penalty.]** § 25. That it shall not be lawful for any person, company or association engaged in the business of packing or putting up pork or beef in said city, to sell or dispose of any spare-ribs, tenderloins, lard, either in the leaf or rendered, rumps, heads, scraps or cut meats, or offal, by retail, in less quantities than one hundred pounds, without first having obtained a license therefor, in accordance with the ordinances of the city; and any person company or association, violating any of the provisions of this section shall forfeit and pay a sum not less than five dollars, nor more than fifty dollars, for each offense. Said license may be granted to such person for the period of six months for the sum of ten dollars, if such person desire to



sell such articles at his or their packing or slaughtering house, and the sum of twenty-five dollars, if he or they shall wish to sell or dispose of such articles at any other place within said city.

**1584. Fish Market—Place of—Penalty.]** § 26. That five feet in front of the east wall of the west wing of the said central market, and that portion of Madison street in front thereof, shall be and is hereby designated and set apart as a fresh fish market, and no fresh fish shall be sold at any other place, or places in or about said market; and any person violating the provisions of this section shall forfeit and pay a sum not less than two dollars, nor more than twenty-five dollars, for every offense.

**1585. Market Committee—Rules and Regulations.]** § 27. That the market committee is hereby authorized to make, from time to time, such additional rules and regulations concerning and appertaining to the government of said market as they may deem necessary, not inconsistent with the provisions of this article.

**1586. Market—Removal of Articles From—Penalty.]** § 28. That persons occupying any place at said market with boxes, baskets, wagons or vehicles containing marketing, shall not permit their boxes, baskets, wagons or other vehicles to remain within the limits of said market after they have sold or disposed of their marketing, but the same shall be removed beyond the limits of said market; and any person violating this section shall forfeit and pay not less than three dollars, nor more than twenty-five dollars, for every offense.

**1587. Regulations to be Enforced.]** § 29. It shall be the duty of the mayor, the market master, the superintendent of police and all policemen, to see that the provisions of this article are enforced.

**1588. Live Stock Not to Stand on Streets.]** § 30. That it shall not be lawful for any person having cows, calves,

sheep or other animals for sale in said city, to stand the same upon or occupy any portion of a street, alley or sidewalk and offer them for sale; but all such cows, calves, sheep or other animals shall be taken to the central market house, and there be offered for sale at such places and for such length of time each market day as the market committee may designate; and any person violating the provisions of this section shall forfeit and pay not less than two dollars, nor more than fifty dollars, for each and every offense.

**1589. Stands for Wood, Coal, Hay or Straw.** | § 31. That it shall not be lawful for any person, in said city, having wood, coal, coke, grain, hay or straw in market, for sale by the wagon or cart load, or loaded in or upon any other vehicle, to stop or wait with the same for a purchaser on any street, lane or avenue, alley or public ground, except at the following places and in the manner following: Teams or other conveyance with wood, coal or coke, shall be permitted to stand on Hamilton street, between the lower line of Washington and the upper side of Water streets. Teams with grain shall be permitted to stand on Washington street, between the northeasterly side of Main and the southwesterly side of Hamilton streets. Teams with hay and straw, shall be permitted to stand on Washington street, between the northeasterly side of Hamilton and the southwesterly side of Fayette streets, and all of said teams shall be placed and arranged on said streets by the person in whose charge or care they are, in such manner as the mayor and the superintendent of police shall at any time direct.

**1590. Wagon—Permission to Stand in Front of Premises—Penalty.** | § 32. It shall not be lawful for any owner, driver or person in charge of any coal, hay or straw wagon, or other vehicle, to stop, or suffer the same to remain on any street in said city, in front of the store, house or premises of another person, for the purpose of feeding his horses, or for

any other purpose. Any person violating any of the provisions of this section shall be fined not less than two dollars, nor more than ten dollars.

**1591. Disorderly Conduct—Penalty.]** § 33. If any person shall violate any of the provisions of this article, or if any driver, or person in charge of any wagon, cart, dray, hackney carriage, or other vehicle, or the driver or person in charge of any wood, coal, coke, hay or straw team, shall leave his horses or vehicle, or shall snap, crack or flourish his whip, or use indecent or profane language, or be guilty of boisterous or loud talking or hallooing, or wrestling or throwing missiles, or shall be guilty of any disorderly conduct, or shall vex, disturb or importune purchasers or citizens, or shall fail or refuse to observe any order or direction of the mayor, superintendent of police, policeman, magistrate, alderman, or other conservator of the peace in said city, he shall forfeit and pay not less than one dollar, nor more than fifty dollars, for every offense.

**1592. Weighmasters—Appointment—Removal.]** § 34. The mayor shall, from time to time, with the concurrence of the city council, appoint so many and such persons to be city weighers, as he may think proper, and may remove them at his pleasure, and all such persons, so appointed, shall be known as "city weighmasters," and as such, shall have charge of the city scales, subject to the ordinances of the city of Peoria, in relation thereto.

**1593. Weighmaster to Give Bond.]** § 35. Every person appointed as city weighmaster, shall, before entering upon the duties of such office, execute a bond to the city of Peoria, in the penal sum of one thousand dollars, with sureties thereon, to be approved by the city council, conditioned for the faithful performance of the duties of his office.

**1594. Other Scales for—Prohibited—Penalty.]** § 36. No person shall use or keep any scale in any public place,

street or alley, within the city of Peoria, for weighing any substance or thing for the public, except city weighmasters, who have complied with the provisions of the preceding section of this article, and any person violating any provisions of this article, where no other penalty is prescribed, shall on conviction, forfeit and pay a sum not exceeding fifty dollars, for each offense.

**1595. Hay, Straw, Coal or Coke—Weighing—Penalty.]** § 37. That hereafter it shall not be lawful, within the corporate limits of said city, for any person to sell, offer for sale, dispose of, or to deliver after the same has been sold, any load or loads of hay, straw, coke, or bituminous or anthracite coal, without first having the same weighed on the city scales, and obtaining from the weighmaster of the scales upon which the same may be weighed, a certificate of the weight of such load of hay, straw, coke or coal.

**1596. Price of Weighing.]** § 38. The prices for weighing hay, straw, coke and coal shall be as follows: For hay, twenty cents a load; for straw, fifteen cents a load; for coke, ten cents a load; and for coal, ten cents a load; which sum shall be paid by the person in charge of the load to the weighmaster before he shall give the certificate required by the preceding section.

**1597. Weighmaster—Record.]** § 39. It shall be the duty of each weighmaster to keep a book, in which he shall enter the number of loads of hay, straw, coke, and coal, and all other articles weighed by him, and give, under his hand, a certificate, stating the name of the owner or agent of the article weighed, the weight of the same, and the day upon which the same was weighed, and also the number of pounds of hay, straw, and anthracite coal and the number of bushels of coke, or bituminous coal contained in such load; and he shall preserve in a book a duplicate of said certificate for the use of the city.

**1598. Weighmaster — Report to Council.] § 40.** It shall be the duty of each and every weighmaster to make out and return, at the first regular meeting of the city council in each month, the aggregate amount of the receipts of the scales, and he shall also exhibit to the said city council the receipt of the city treasurer for whatever sum may be due the city after deducting his compensation; and any weighmaster neglecting or refusing to comply with the provisions of this section, may be proceeded against on his bond and removed from office.

**1599. Weight of Wagons.] § 41.** It shall be the duty of every weighmaster, who shall weigh any loaded wagon or sled, to weigh any such wagon, or sled, after the load has been removed therefrom, and he shall thereupon deliver to the person in charge of such wagon, or sled, the certificate provided for in section thirty-seven of this article, stating the gross weight, the weight of such wagon, or sled, and the net weight of the load; and no certificate shall be issued by any weighmaster until he has weighed the wagon, or sled, after the same has been unloaded.

**1600. Weighmaster — Price for Weighing — Miscellaneous Articles.] § 42.** The said weighmasters may weigh any wagon-load other than hay, straw, coke or coal, and shall charge such person for weighing such load the sum of fifteen cents, and may weigh any other articles or things for any person or persons, and shall charge him or them for weighing the same, the sum of fifteen cents.

**1601. Certificate of Weight — Purchaser — Penalty.] § 43.** That every person in charge of a wagon, or other vehicle containing hay, straw, coke, or coal for sale, shall deliver to the purchaser of the same the certificate which he received from the weighmaster, and the purchaser shall either retain or receipt on the same for the delivery of the load for which such certificate was made; and every person in charge of a load of hay, straw, coke or coal, who shall fail or refuse to



deliver up the certificate to the purchaser, or who shall in any manner alter or change the said certificate, or sell more than one load of hay, straw, coke or coal on the same certificate, shall forfeit and pay not less than three dollars, nor more than fifty dollars for every offense; and any purchaser who shall return the said certificate to the person from whom he purchased the load, without receipting the same as aforesaid, shall forfeit and pay not less than one dollar, nor more than twenty-five dollars, for every offense.

**1602. Sale Without Weighing—Penalty.]** § 44. Every person who shall sell, offer for sale, dispose of, or deliver after the same has been sold, any load, or loads, of hay, straw, coke or coal, without first having the same weighed upon the city scales and paying for and procuring the certificate aforesaid, shall, for every offense, forfeit and pay the sum of five dollars.

**1603. Weighmaster—Care of Scale.]** § 45. That it shall be the duty of the weighmasters, at least once in every month, to thoroughly test and clean their respective scales at their own expense; and any weighmaster neglecting or refusing to comply with this section may be removed from office.

**1604. Weight per Bushel and Barrel of Certain Articles Fixed.]** § 46. Whenever any of the following articles shall be contracted for, or sold, or delivered, and no special contract or agreement shall be made to the contrary, the weight per bushel or barrel, or divisible merchantable quantities of a barrel, shall be as follows:

Wheat flour, per barrel, 196 pounds.

Wheat flour, per half barrel, 98 pounds.

Wheat flour, per quarter barrel sack, 49 pounds.

Wheat flour, per eighth barrel sack, 24½ pounds.

Corn meal, per bushel, 48 pounds.

Corn meal, per half bushel, 24 pounds.

Corn meal, per quarter bushel, 12 pounds.

Stone coal, per bushel, 80 pounds.

Unslacked lime, per bushel, 80 pounds.

Corn in the ear, per bushel, 70 pounds.

Wheat, per bushel, 60 pounds.

Irish potatoes, per bushel, 60 pounds.

White beans, per bushel, 60 pounds.

Clover seed, per bushel, 60 pounds.

Onions, per bushel, 57 pounds.

Shelled corn, per bushel, 56 pounds.

Rye, per bushel, 56 pounds.

Flax seed, per bushel, 56 pounds.

Sweet potatoes, per bushel, 50 pounds.

Turnips, per bushel, 55 pounds.

Fine salt, per bushel, 55 pounds.

Buckwheat, per bushel, 52 pounds.

Coarse salt, per bushel, 50 pounds.

Barley, per bushel, 48 pounds.

Castor beans, per bushel, 46 pounds.

Timothy seed, per bushel, 45 pounds.

Hemp seed, per bushel, 44 pounds.

Malt, per bushel, 38 pounds.

Dried peaches, per bushel, 33 pounds.

Oats, per bushel, 32 pounds.

Dried apples, per bushel, 24 pounds.

Bran, per bushel, 20 pounds.

Blue grass seed, per bushel, 14 pounds.

Hair (plastering), per bushel, 8 pounds.

**1605. Weight—Computation of.] § 47.** The weight or quantity of all articles shall be computed in accordance with the laws of this State in relation to weights and measures.\*

\* "The hundred weight shall consist of one hundred pounds, and twenty such hundred weights shall constitute a ton.

"Contracts hereafter to be executed, made within this State, for any work to be done, or for anything to be sold or delivered, done or agreed for, by weight or measure, shall be taken and construed to be made according to the standard weight and measure thus ascertained.

**1606. Fire Wood—Measurement of.** 48. That it shall not be lawful for any person bringing fire wood to said city for sale, to sell the same without first having it measured by one of the city weighmasters, and obtaining from him a certificate of the quantity measured.

**1607. Wood Wagons—Open.]** § 49. That all wagons or other vehicles used for hauling fire-wood to said city for sale shall be open at the sides and ends of the bed, or rack in or upon, which the said wood may be piled.

**1608. Measurement of Wood.]** § 50. It shall be the duty of said officer in measuring any fire-wood to carefully examine the manner in which the same is piled or racked up, and make all proper deductions for the loose and improper piling, and for crooked and uneven wood.

**1609. Cord of Wood—Computation of.]** § 51. A cord of wood shall be computed at the rate of eight feet in length, four feet in breadth, and four feet in height, well and closely packed, and a part of a cord shall be computed in the same proportion.

**1610. Weighmasters — Record of Wood Measurements.]** § 52. It shall be the duty of each of the said weighmasters to keep a book, in which he shall enter the number of loads or cords of wood measured, and give, under his hand, a certificate stating the name of the owner or person in charge of the wood, the day upon which it was measured, and the quantity of wood, in cords and parts of cords, contained in each measurement; and he shall preserve in the book a duplicate of said certificate for the use of the city.

**1611. Purchaser of Wood Certificate.]** § 53. The certificate required by the preceding section shall be delivered to the purchaser of the wood; who shall either destroy or retain the same, but in no case shall he return it to the person

from whom the wood was purchased without receipting thereon for the delivery of the load, for which such certificate was made.

**1612. Reports of Wood—Measurements.] § 54.** It shall be the duty of each of said weighmasters to present a report to the city council, monthly, of the aggregate amount received for measuring wood hereunder, accompanied by the receipt of the city treasurer for whatever sum may be due the city after deducting his compensation.

**1613. Price for Measuring Wood.] § 55.** The price for measuring each load or cord, or part of a cord of wood, and issuing the certificate required, shall be ten cents; and the same shall be paid by the person having the wood for sale, before he shall receive the said certificate.

**1614. Sale Without Measurement—Penalty.] § 56.** Any person who shall sell fire wood in said city without first having the same measured and procuring the said certificate, or shall be guilty of fraud or imposition in the sale of wood, or shall in any manner change or alter the said certificate, or sell more than one load or cord on the same certificate, shall forfeit and pay not less three dollars, nor more than one hundred dollars for every offense.

**1615. Certificate of Measurement—Refusal to Exhibit—Penalty. § 57.** Every driver or person in charge of any loaded vehicle who shall fail or refuse to exhibit to the mayor, superintendent of police, or any policeman of said city, when required so to do, the certificate of the quantity of wood, coal, coke, hay or straw in his load, shall forfeit and pay not less than one dollar, nor more than fifty dollars for every offense.

**1616. Compensation of Weighmasters.] § 58.** All city weighmasters, appointed under the provisions of this ordinance shall be entitled to retain, as their compensation, one-third (1-3) of the receipts of the scales under their control.

## ARTICLE 31.

## MISDEMEANORS.

Section.	Section.
1617. Burglars' Tools—Possession of—Penalty.	1653. Excavation in Streets—Protection of—Penalty.
1618. Assault and Battery—Penalty.	1654. Contractor—Excavations—Protection—Penalty.
1619. Loud and Unusual Noises—Penalty.	1655. Entrance to Premises—Spiked Railings.
1620. Animal—Disturbing Noises by—Penalty.	1656. Streets—Casting Refuse Fruit Into—Penalty.
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1625. Disturbing Religious Worship—Penalty.	1661. Cleansing Garment in Street—Penalty.
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1633. Profane or Obscene Language—Penalty.	1669. Sleighs, etc., Without Bells—Penalty.
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1645. Purchase—Chance Included—Penalty.	1681. Corner Stone — Tampering With — Penalty.
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1650. Evidence — General Reputation of House Sufficient.	1686. Religious Meeting — Disturbance of —Penalty.
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Section.

- 1687. Disturbing Peace on Sunday--Penalty.
- 1688. Sunday Amusement--Penalty.
- 1689. Keeping Open Place of Business on Sunday--Penalty.
- 1690. Keeping Open Saloon on Sunday--Penalty.

Section.

- 1691. Ordinary, Connected with Saloon, Open on Sunday--Penalty.
- 1692. Vagrancy--Penalty.
- 1693. Causing Pauper to be a Charge on City--Penalty.

**1617. Burglars' Tools—Possession of—Penalty.] § 1.**

It shall be unlawful for any person to have, in his possession, any nippers of the description known as burglars' nippers, pick-lock, skeleton key, key to be used with a bit or bits, jimmy, or other burglar's instrument or tool, of whatsoever kind or description, unless it be shown that such possession is innocent or for a lawful purpose, under a penalty of not less than one hundred dollars.

**1618. Assault and Battery—Penalty.] § 2.** Whoever shall commit an assault, or an assault and battery, upon the person of another, or shall be guilty of an affray within the limits of the city of Peoria, shall, upon conviction, be fined not less than three dollars, nor more than one hundred dollars.

**1619. Loud or Unnsual Noises—Penalty.] § 3.** Whoever shall disturb the peace of the city, or the quiet of any private family or person therein, by loud or unusual noises, by blowing of horns or other instruments, or by the unnecessary blowing of steam whistles, or by the beating of drums, kettles or other sounding vessels or instruments, or by the ringing of bells or crying of goods, or by loud or boisterous laughing, or singing, or by creating false alarms, as by crying "fire" or "police," or by violent or tumultuous carriage, or by shouting, cursing, quarreling, challenging to fight, or fighting, or by any other disorderly conduct, shall, upon conviction, be fined not less than one dollar, nor more than one hundred dollars, for each offense.

**1620. Animal—Disturbing Noises by—Penalty.] § 4.** No person shall, in said city, keep or harbor any dog, whelp,

bitch, cow, calf, hog, or other animal, shut up or tied up in any yard, house or other place, which by barking, howling, bawling or by other noises, shall disturb the peace and quiet of any family, individual, or neighborhood; and every person violating this section shall forfeit and pay not less than one dollar, nor more than twenty-five dollars, for every offense.

**1621. Challenge to Fight—Offensive Language—Penalty.]** § 5. If any person shall, within said city, challenge another to fight, or shall threaten or traduce another, or shall use any profane, obscene or offensive language, or shall indulge in any conduct toward another tending to provoke a disturbance or breach of the peace, the person so offending shall, upon conviction, be fined not less than three dollars, nor more than fifty dollars.

**1622. Impersonating a City Officer—Penalty.]** § 6. Whoever shall, in this city, falsely represent himself to be an officer of this city, or shall, without being duly authorized by the city, exercise or attempt to exercise any of the duties, functions, or powers of a city officer, shall, upon conviction, be fined not less than five dollars, nor more than one hundred dollars, for each offense.

**1623. Unlawful Assembly—Penalty.]** § 7. Any two or more persons who shall, within the city, assemble together for any unlawful purpose, or who, being assembled, shall act in concert, to do an unlawful act, with force and violence, against the property of the city, or the person or property of another, or against the peace or to the terror of citizens or other persons, or who shall make any movement or preparation therefor, shall be severally subject to a fine of not less than three dollars, nor more than fifty dollars, and to a further fine of not less than five dollars nor more than fifty dollars, upon refusal to disperse after being requested to do so by any police, or other conservator of the peace.

**1624. Permitting Unlawful Assemblage—On Premises—Penalty.]** § 8. Whoever shall, knowingly, suffer or permit any assemblage for the purpose of committing any unlawful act or breach of the peace, or any riotous, offensive or disorderly conduct, in or upon premises owned or occupied by him, or under his control, within said city, shall, on conviction, be fined not less than five dollars, nor more than fifty dollars.

**1625. Disturbing Religious Worship—Penalty.]** § 9. Whoever shall, within the limits of said city, disquiet or disturb any congregation or assembly met for religious worship, by making a noise, or by any rude, indecent behavior, or profane discourse, or disorderly conduct, within their place of worship, or so near the same as to disturb the order or solemnity of the meeting, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in any sum not less than ten dollars, nor more than one hundred dollars.

**1626. Disturbing Lawful Assemblage—Penalty.]** § 10. Whoever shall, in said city, disturb, or disquiet any lawful assemblage or association of people, by any rude or indecent behavior, or by any disorderly conduct, or who shall create any disturbance, or be guilty of any disorderly conduct, at any election poll, shall, on conviction, be fined not less than three dollars, nor more than one hundred dollars for each offense.

**1627. Disturbing Funeral Procession—Penalty.]** § 11. Whoever shall interrupt or disturb any funeral procession or funeral assemblage, or shall break into, or drive any horse or conveyance through any funeral procession, shall, on conviction, be fined not less than five dollars, nor more than fifty dollars.

**1628. Congregating in Stairways and on Corners—Penalty.]** § 12. It shall be unlawful for any person, or persons, in said city, to loiter or congregate about, or upon any stairway, doorway, window, or in front of any business or

dwelling house, theater, lecture room, church, street, or street corner, or elsewhere, and by so doing obstruct or interfere with the free passage of persons entering or occupying such building or premises, or by their language, conversation or conduct annoy, insult or disturb persons passing along the streets or alleys, or occupying, residing or doing business in any of said houses or places; and every person violating this section shall be deemed guilty of a misdemeanor, and, on conviction, shall forfeit and pay not less than three dollars, nor more than one hundred dollars for every offense; and it shall be the duty of every policeman to arrest and prosecute all persons offending under this section.

**1629. Minors Prohibited on Streets After 9 O'clock p. m.—Penalty.]** § 13. It shall be unlawful for any person, or persons, in said city, under eighteen years of age to be found upon any of the streets, alleys, public squares, or public grounds after the hour of nine o'clock, p. m., who are not accompanied by their parents or guardians, and who can not give a satisfactory account of why they are absent from their homes; and every person violating this section shall be arrested by the police and taken to their homes, and if they shall be arrested a second time for a similar offense, they shall, on conviction, forfeit and pay not less than one dollar, nor more than twenty-five dollars, for every offense.

**1630. Throwing Missiles—Penalty.]** § 14. No person shall purposely, or heedlessly, cast or throw any stone, brickbat, clod, snow-ball, or other missile from or into any public place, or at any house or person, within the city, under a penalty, in each case, of not less than one dollar, nor exceeding five dollars.

**1631. Molesting Vehicles—Penalty.]** § 15. No person shall climb upon or into any wagon, carriage, sleigh or other vehicle, while the same may be in motion, or attach his sled or cart to any such vehicle, without the consent of the

driver thereof; or shall otherwise willfully molest, or annoy any person, in said city, under a penalty of not less than one dollar, nor exceeding five dollars in each case.

**1632. Intoxicated Person—Appearance of in Public—Penalty.]** § 16. It shall be unlawful for any person, who is in a state of intoxication or drunkenness, to be or appear in any street or public place, or place, or premises open to public view, within the city of Peoria; or in any private house or place, to the annoyance of any person, under a penalty, for each offense, of not less than three dollars, nor more than twenty-five dollars.

**1633. Profane or Obscene Language—Penalty.]** § 17. Whoever shall use any profane or obscene language, in any place in said city, loud enough to be overheard by persons passing thereby, or shall be guilty of any disorderly conduct or behavior, shall, in either case, be subject to a fine of not less than three dollars, nor more than fifty dollars.

**1634. Indecent Writing, Etc.—Penalty.]** § 18. Whoever shall, in any public place, or place open to public view, within said city, write or draw, cut, make or exhibit any lewd or indecent word, sentence, design or figure, shall, in either case, be subject to a fine of not less than five dollars, nor more than fifty dollars.

**1635. Indecent Exhibition of Animal—Penalty.]** § 19. No person in said city shall indecently exhibit any horse, jack or other animal, or let any horse or jack to any mare or jenny, unless in some inclosed place and entirely out of public view; and any person violating this section shall, on conviction, forfeit and pay not less than ten dollars, nor more than one hundred dollars, for every offense.

**1636. Immoral Publications — Penalty.]** § 20. Any person who shall bring or cause to be brought into said city, for the purpose of sale or exhibition, or shall keep, sell, offer or expose for sale, any obscene, immoral or indecent publica-



tion, book, pamphlet, paper, print, picture, illustration, model, cast, instrument or article of indecent or immoral use, or shall advertise the same for sale or exhibition, shall, on conviction, be fined not less than ten dollars, nor more than two hundred dollars, for each offense.

**1637. Sleeping in Public Place—Penalty.]** § 21. Whoever shall be found sleeping in, or upon any street, avenue, alley or other public place in said city; or in or upon any private lot or premises, without the consent of the owner, or occupant of such lot or premises, shall be fined not less than three dollars, nor more than twenty-five dollars, for each offense.

**1638. Indecent Exposure—Penalty.]** § 22. Whoever shall, in said city, make any indecent exposure of his or her person, or shall appear in any public place, or place exposed to public view, in a dress not belonging to his or her sex, or in an indecent or lewd dress, or in a state of nudity, or shall be guilty of any other immoral, indecent or lewd act, shall, upon conviction, be fined not less than five dollars, nor more than fifty dollars, for each offense.

**1639. Bathing in River—Penalty.]** § 23. No person shall swim or bathe in the waters of Illinois river, adjacent to the city, unless such person be clothed in a suitable bathing dress, under a penalty of not less than five dollars, for each offense.

**1640. Indecent Play—Penalty.]** § 24. Whoever shall exhibit or perform, or assist in exhibiting or performing, in said city, any obscene, indecent or lewd play, or representation, or shall knowingly permit the same to be exhibited, or performed in any building or hall owned or controlled by him, shall, in each case, be subject to a fine of not less than ten dollars, nor more than two hundred dollars.

**1641. Dog Fight, Etc.—Penalty.]** § 25. Any person who shall, within the city, keep or use, or be in any way con-

nected with the management of any place kept or used for the fighting, or baiting of any dog, cock, or other animal, or who shall permit such place to be kept or used on premises owned, rented or controlled by him, or who shall frequent or be found therein, for the purpose of witnessing such fighting or baiting, shall, in each case, on conviction, be fined not less than ten dollars, nor more than one hundred dollars.

**1642. Cruelty to Animals—Penalty.]** § 26. Whoever shall be guilty of cruelty to any animal, in any of the ways mentioned in this section, shall be fined not less than three dollars, nor more than one hundred dollars, for each offense, viz:

1. By overloading, overdriving, overworking, cruelly beating, torturing, tormenting, mutilating, or cruelly killing any animal, or causing, or knowingly allowing the same to be done.

2. By cruelly working any old, maimed, infirm, sick or disabled animal, or causing, or knowingly allowing the same to be done.

3. By failing to provide any animal in his charge or custody, as owner or otherwise, with proper and necessary food, drink or shelter.

4. By abandoning or turning out to die, any old, maimed, infirm, sick or disabled animal.

5. By carrying or driving, or causing to be carried or driven, or kept, any animal in an unnecessarily cruel manner.

**1643. Lottery Tickets and Chances—Penalty.]** § 27. It shall be unlawful for any person, in said city, to keep an office, room or place for the sale, or other disposition of lottery tickets; nor shall it be lawful for any person in said city to vend, sell or otherwise dispose of any lottery ticket or tickets; nor shall it be lawful for any person in said city to sell or dispose of, in any matter whatever, any tickets, figures, numbers or characters for any "prize-gift," "present," "gift-enterprise,"

“gift-distribution,” “chance,” or for anything of the like name or nature, where money or other property is directly or indirectly pledged, paid or to be pledged or paid, for a share or a chance, or for any participation in the same, or where numbers, figures, characters, gifts, prizes, presents or donations are to be drawn, disposed of or received by any person in any manner whatever; and every person convicted of a violation of this section shall forfeit and pay not less than five dollars, nor more than one hundred dollars, for every offense.

**1644. Inducing to Bet—Penalty.]** § 28. It shall be unlawful for any person in said city to perform, or play any tricks, or slight-of-hand, or anything of like nature, with cards, dice, balls, thimbles, figures, numbers or characters, or with any dishonest or fraudulent instrument, apparatus or thing, where persons are induced to bet, loan, deposit or stake money or other property upon the result of such tricks, or the turning or placing of any such instrument or apparatus, or of any figure, letter, number or character attached to, or played upon any such instrument or apparatus, or by any person; and any person convicted under this section shall forfeit and pay not less than five dollars, nor more than one hundred dollars, for every offense.

**1645. Purchase—Chance Included—Penalty.]** § 29. Each and every sale or purchase, wherein any part of the articles or things received, or to be received, either as to quantity or value, shall in any manner depend upon any chance or hazard, whether by means of checks, cards, envelopes, numbers, dice or by any means whatever, is hereby declared to be gaming, within the meaning of the provisions hereof, and as such, to be unlawful. Any person so selling, or disposing of any article or thing of value, within said city, shall be liable to a fine of not less than five dollars, nor more than one hundred dollars for each offense.

**1646. Keeping House of Ill-fame — Penalty.] § 30.** Whoever shall, within the city of Peoria, keep or maintain directly or indirectly, any bawdy or disorderly house, house of ill-fame, or of assignation, or place for the practice of fornication or adultery, or any boat or floating structure, within two miles of the limits of said city, for any such purpose, shall, upon conviction, be fined not less than twenty-five dollars, nor more than two hundred dollars, for each offense, and be subject to a like further fine for every forty-eight hours after the first conviction, that such house shall be continued or maintained.

**1647. Leasing Premises for Immoral Purposes—Penalty.] § 31.** Whoever shall, within said city, lease, let, or permit any building or premises, boat or floating structure, owned by him or under his control, to be used, in whole or in part, as a house of ill-fame, or house of assignation, or place for the practice of fornication or adultery, or whoever shall lease any building or premises for a lawful purpose, that may afterwards, with his knowledge, be converted, in whole or in part, into the immoral uses and purposes above set forth in this section, shall, on conviction, be subject to a fine of not less than twenty-five dollars, nor more than two hundred dollars, for each offense, and to a further like fine for every forty-eight hours after the first conviction that he shall continue to violate this section.

**1648. Inmate of House of Ill-Fame—Penalty.] § 32.** Whoever shall be an inmate or occupant of, or shall frequent, or be found in any bawdy house, house of ill-fame, or of assignation, or place used for the practice of fornication or adultery, within said city, shall, on conviction, be fined not more than one hundred dollars for each offense.

**1649. Enticing to Enter House of Ill-fame—Penalty.] §33.** Whoever shall, within said city, entice, influence, or persuade, any person to enter or frequent any bawdy house,

house of ill-fame, or of assignation, or place used for the practice of fornication or adultery; or whoever shall induce or persuade any minor to enter or frequent, or shall allow or permit any minor to remain in any such house or place, shall, for each offense, be subject to a fine of not more than one hundred dollars.

**1650. Evidence—General Reputation of House Sufficient.]** § 34. In any action or suit arising under either of the four last preceding sections of this article, the fact that any house is a house of ill-fame or of assignation, or that any place is used for the practice of fornication or adultery, may be *prima facie* proven, by evidence, that such is the general reputation of the same.

**1651. Deformed, Etc., Person—Exposure of—Penalty—Fine Suspended—When.]** § 35. Any person who is diseased, maimed, mutilated, or in any way deformed, so as to be an unsightly or disgusting object, or an improper person to be allowed in or on the streets, highways, thoroughfares or public places in this city, shall not therein or thereon expose himself, or herself to public view, under the penalty of one dollar for each offense.

**1652. Birds—Protection of—Penalty.]** § 36. Every person who shall kill, or wound, or attempt to kill, or wound, by the use of fire arms, bow and arrow, pelting with stones, or, otherwise, any bird, within the city limits, or shoot an arrow, or throw a stone, or club, or other missile at any bird within any private grounds, or public parks, squares or grounds, or enter upon any private enclosure, or public ground belonging to the city, for the purpose of doing any act prohibited in this section, shall forfeit and pay not less than five dollars, nor more than ten dollars for each offense.

**1653. Excavation in Streets—Protection of—Penalty.]** § 37. Every person in said city, who shall dig, make, or cause to be dug, or made, any hole, pit, ditch, vault, or other



excavation, on or upon any street, lane, avenue, alley, sidewalk, or other public place, or who shall dig, make, or cause to be dug or made, any excavation upon any lot adjoining, or bounded by any street, lane, avenue, alley, public place, or sidewalk, and who shall not during the night cause the same to be fenced in with a substantial fence, at least three feet high, the boards or rails of which shall not be more than one foot apart, shall, on conviction, forfeit and pay not less than five dollars, nor more than one hundred dollars, for every offense.

**1654. Contractor—Excavation—Protection—Penalty.]**  
§ 38. Any city officer or contractor for public work in said city, who shall make any excavation in any street, lane, avenue, alley, sidewalk, or public place, and shall not cause poles, timbers, or planks, raised at least three feet above the ground, to be so placed as to prevent persons, animals, or vehicles from falling into the same, shall be deemed guilty of a misdemeanor, and, upon conviction, shall forfeit and pay not less than five dollars, nor more than one hundred dollars, for every offense.

**1655. Entrance to Premises—Spiked Railings.]** § 39. No person being the owner, lessee, agent, or occupant of any building in this city, shall erect or maintain, or permit to be erected, or maintained, on or about the stairway in, or the entrance to such building, or on or about its exterior building line, or upon any portion of the sidewalk adjacent to such building, any railing, fence, guard, or protection of any kind, upon which said railing, fence, guard, or other protection, there shall be affixed, or placed, or in any manner attached, any spike, nail, or other pointed instrument of any kind, or description, under the penalty of not less than twenty-five dollars for each offense; and each and every day any such person shall fail, or neglect to remove from such railing, fence, or other protection, any such spike, nail, or other pointed instrument, after the first conviction therefor, shall constitute a new, separate and distinct offense.

**1656. Streets—Casting Refuse Fruit Into—Penalty.]**

§ 40. No person shall throw, cast, lay or place on any sidewalk, in the city of Peoria, the rind or peel of any orange, banana, apple or other fruit, under a penalty of not less than two dollars for each offense.

**1657. Throwing Liquid Into Street—Penalty.] § 41.**

No person shall throw or deposit any water or other liquid in any part of any street, alley, lane or public place, under a penalty of two dollars for every such offense.

**1658. Medicine by Deceptive Name — Penalty.] §42.**

No doctor, druggist, or other person shall make, sell, put up, prepare or administer any prescription, decoction, or medicine under any deceptive or fraudulent name, direction or pretense, under a penalty of not less than one hundred dollars.

**1659. Poison—Sale of—Label — Penalty.] § 43.**

No poisonous medicine, decoction or substance shall be held for sale or sold, except for lawful purposes and with proper motives, and by persons competent to give the proper directions and precautions as to the use of the same; nor shall any bottle, box, parcel or receptacle thereof be delivered to any person unless the same is marked "poison," nor to any person to whom the party delivering the same has reason to think intends it for any illegal or improper use or purpose, under a penalty of not less than twenty-five dollars for each offense.

**1660. Opium Smoking — Place For Prohibited—Penalty.] § 44.**

No person shall, within the corporate limits of the city, keep or maintain or become an inmate of, or in any way contribute to the support of any place, house, or room where opium is smoked, or where persons assemble for the purpose of smoking opium or inhaling the fumes thereof, under a penalty of not less than five dollars, nor more than fifty dollars, for each offense.

**1661. Cleansing Garments, Etc., in Street—Penal ty.**

§ 45. No dyer, or scourer or any other person shall wash,

rinse or cleanse or cause or procure to be washed, rinsed or cleansed any cloth, yarn or garment in any street in the city of Peoria, under a penalty of ten dollars for each offense.

**1662. Getting on Cars in Motion—Penalty.]** § 46. It shall be unlawful for any person to play upon, or about, any railroad track, depot, locomotive or car within said city; or to climb upon, or jump from any car, or train of cars, or from one car to another, or to climb or jump upon any street car, while the same may be in motion; and any person violating any provision of this section, shall, upon conviction, be fined not less than two dollars, nor more than ten dollars, for each offense.

**1663. Turning Hose on Persons or Property—Penalty.]** § 47. Whoever shall willfully turn a stream of water from any hose or hydrant, upon any person, or upon any private premises not being the occupant thereof, shall be liable to a fine of not less than three dollars, nor more than twenty dollars.

**1664. Public Building—Means of Egress—Penalty.]** § 48. All public buildings in process of erection at the time of the taking effect of this ordinance, or hereafter to be erected, or constructed in said city, which may, or shall be used for churches, school-houses, opera-houses, theaters, lecture rooms, town halls, hotels, or for any purpose whereby a collection of people be assembled together for religious worship, amusement, instruction or otherwise, shall be so built and constructed that all doors leading from the main hall or audience room, where said collection of people may be assembled, or from the principal room which may be used for any of the purposes aforesaid, shall be so swung upon their hinges as to open outward, and that all means of egress for the public, from the main hall or principal room, and from the building, shall be by means of doors which shall open outward therefrom. Any agent, owner, trustee, or other person having charge of any such building, who shall fail, or refuse to comply with the

requirements of this section, shall, on conviction, be fined not less than one hundred dollars, no more than two hundred dollars.

**1665. Distribution of Hand Bills on Streets—Penalty.]**

§ 49. No person shall distribute, cast, throw, or place in, upon, or along any of the streets, alleys, or public places of the city of Peoria, any hand-bills, pamphlets, circulars, books or advertisements for the purpose, or with the intent of advertising, or making known, in a general, or promiscuous manner, any business, occupation, profession, medical treatment, medicine, or anything whatsoever, under a penalty of not less than five dollars, and not more than fifteen dollars, for each and every offense.

**1666. Street Obstruction—Exhibition—Etc.—Penalty.]**

§ 50. No person shall engage in any game, sport, amusement, or exhibit any machine, or show, or any animal, or indulge in any acrobatic feats, or do anything else in the streets, or upon the sidewalks, which shall have a tendency to frighten horses, or which shall collect any crowd of persons so as to interfere with the passage of teams or vehicles, or persons passing along the streets and sidewalks; and any person violating the provisions of this section shall be fined not less than three dollars, nor more than twenty-five dollars, for each and every offense.

**1667. Street Lounging—Penalty.]** § 51. No person shall obstruct any street corner, or other public place of the city, by lounging in or about the same; and the person so offending shall be subject to a penalty of not less than five dollars for each offense.

**1668. Dangerous Animal on Street—Penalty.]** § 52. No person shall permit any bear, or other dangerous animal, to run at large, or shall lead any such animal with a chain or rope, or other appliance, whether such animal be muzzled or

unmuzzled, in any street, avenue, lane, highway, or public place within the corporate limits of this city, under a penalty of ten dollars for each offense.

**1669. Sleigh—Etc.—Without Bells—Penalty.] § 53.** It shall be unlawful for any person, or persons, to drive sleighs, cutters, or similar vehicles, in the streets of this city, without having bells attached to either horse or vehicle, and any person, or persons, who shall drive any sleigh or similar vehicle without bells, as above provided, shall be subject to a fine of not less than five dollars, nor exceeding ten dollars.

**1670. Air Gun—Etc.—Discharge of —Penalty.] § 54.** No person shall fire, discharge, set off or use, within the limits of the city of Peoria, any air-gun, "bean-shooter," "nigger-killer," or any other instrument or machine, from which a missile is discharged, or hurled, under a penalty of not less than twenty-five dollars for every offense.

**1671. Scaffolds Used in Building — Security of —Penalty.] § 55.** All scaffolds erected in this city for use in the erection of buildings, shall be well and safely supported, and of sufficient width and properly secured so as to insure the safety of persons working thereon, or passing under or by the same, to prevent the falling thereof or of any materials that may be used, placed or deposited thereon; any scaffold which may be otherwise erected shall be deemed a nuisance; and any person who shall erect, or use, or cause to be erected or used, any scaffold contrary to the provisions hereof, shall be subject to a fine of not less than five dollars, and not exceeding one hundred dollars, and to a like fine for every day the same shall remain after notice to remove.

**1672. Ice—Permission to Cut—Penalty.] § 56.** No person shall cut ice, or any hole therein, in the Illinois river or Lake Peoria, within the city of Peoria, without a written permission from the harbor-master; and in no case shall permission be given to cut ice in said river or lake in front of blocks



one, two and three in the original town of Peoria, or at the end of any street which extends to the said river or lake, unless at such distance from the shore as the harbor-master may, in his discretion, deem proper; and any person violating the provisions of this section shall forfeit and pay a sum not less than five dollars, nor more than fifty dollars for each and every offense.

**1673. Impure Ice—Sale of—Penalty.]** § 57. It shall be unlawful for any person to sell or offer for sale any impure ice, or any ice which shall contain filth, or any other matter, substance or thing, and which, when melted, will render the water impure or the use of the same unhealthy; and any person violating this section shall forfeit and pay not less than three dollars, nor more than fifty dollars for every offense.

**1674. Breach of the Peace—Penalty.]** § 58. Any person who shall make, aid, countenance or assist in making any improper noise, riot, disturbance, breach of the peace, or diversion tending to a breach of the peace in the street or elsewhere in the city, and all persons who shall collect in bodies, or crowds, for unlawful purposes, or for any purpose to the annoyance or disturbance of citizens or travelers, shall be severally subject to a fine of not less than one dollar, nor exceeding one hundred dollars.

**1675. Injury to Property—Penalty.]** § 59. Who ever shall willfully, maliciously, or negligently break, deface, injure or destroy any property of the state, county or city, or any private property, shall be subject to a fine of not less than five dollars, nor exceeding one hundred dollars.

**1676. Trespass—Injury to Tree—Penalty.]** § 60. Any person who shall, within said city, cut, injure, remove or destroy any fruit, ornamental, or shade tree, or the boxing around the same, or any fence, railing, gate, post, or sign, upon any public ground, sidewalk, or private premises; or who shall enter any private premises against the consent of the owner or oc-

cupant thereof, or shall trespass upon any private premises, or public grounds, or injure, take away or destroy any tree, shrub, fruit, flower, plant, vegetable, or other thing, which may be therein for ornament or utility, shall, on conviction, be fined not less than five dollars, nor more than twenty-five dollars for each any every offense.

**1677. Casting Missile—Injuring or Defacing Property—Penalty.** | § 61. No person shall purposely or heedlessly cast, or throw any stone, brick, or other missile from, or into any street, or other public place, or at, against, or into any building, shade tree, or other property, or shall climb upon or walk upon the top, or capping of any fence, or railing, or into any shade, or ornamental tree upon any sidewalk, or elsewhere, without the consent of the owner or occupant thereof, or shall in any wise injure, or deface any building, fence, gate, or shade tree, or shall meddle with, or injure any well, cistern, hydrant, or pump within said city, under a penalty in each case, of not less than two dollars, nor more than ten dollars.

**1678. Posting Bills on Fence or Building—Penalty.]** § 62. Whoever shall, without the consent of the owner, or occupant of the premises, post up, stick or place any hand-bill, show-bill, placard, or notice upon any building, wall, fence, or tree-box, or shall mark, scratch, cut, or otherwise deface any part of any building, fence, or tree-box, shall, in either case, be subject to a penalty of not less than three dollars, nor more than ten dollars.

**1679. Injury to Street Lamp—Telegraph—Telephone and Electric Light Apparatus, Etc.—Penalty.]** § 63. Any person who shall willfully, maliciously, or negligently break, deface, injure or destroy any public street lamp, or lamp post, telegraph, telephone, electric light, or electric street car post, or other posts; or any telegraph, telephone, electric light, or electric street car wire, globes, insulators, or other appliances

or fixtures connected therewith, within the city, shall be subject to a penalty of not less than five dollars, nor more than fifty dollars for each offense, and shall also be liable for the costs and expense of repairing the injuries committed.

**1680. Lamp Posts—Interfering With—Penalty.] § 64.** Whoever shall, in said city, climb upon any street lamp post, or electric light pole, or tower, or shall fasten any horse or other animal thereto, or shall hang or place upon or against the same any goods, boxes, fuel, or other material, shall, for each offense, be subject to a fine of not less than two dollars, nor more than ten dollars.

**1681. Corner Stone—Tampering With—Penalty.] § 65.** Any person who shall willfully or heedlessly change, remove or destroy any stone, stake or post, set or placed to mark the corner of any lot, or parcel of ground, street or alley, or to show the grade of any street, alley or sidewalk of the city, shall, on conviction, be fined not less than five dollars, nor more than fifty dollars for each offense.

**1682. Service Lid or Cup—Injury to—Penalty.] § 66.** Whoever shall, willfully, or maliciously, break, deface, injure or carry away any cup or service lid, placed upon any of the service boxes of any gas light company or water works company, within the city, shall forfeit and pay a fine of not less than three dollars, nor more than ten dollars.

**1683. Meters — Tampering With — Penalty.] § 67.** Whoever shall, unlawfully, tamper with, alter or change any gas pipe, or water pipe, gas meter or water meter, or other meter, public or private, or the register thereof, shall be subject to a penalty of not less than ten dollars, nor more than one hundred dollars for each offense.

**1684. Sods—Digging of—Penalty.] § 68.** No person shall dig, cut or remove any sod or earth from any street, or other public place within the city, without a permit from the commissioner of public works, or from any premises not his

own, without the consent of the owner, under a penalty of not less than five dollars, nor more than fifty dollars for each offense.

**1685. Grass Plat — Trespassing Upon — Penalty.]** § 69. Whoever shall, willfully, negligently, or heedlessly walk upon or across, or ride or drive any animal or vehicle upon or across any lawn, grass plat or flower bed, in or upon any of the streets, avenues, parks or public places of the city; or who shall walk upon or across, or ride or drive any animal, or vehicle upon or across any private lawn, grass plat, or flower bed, without the consent of the owner thereof, shall be subject to a fine of not less than five dollars, nor more than fifty dollars.

**1686. Religious Meeting—Disturbing—Penalty.]** § 70. Whoever shall, on Sunday, disturb the peace, or shall purposely or heedlessly interrupt, or annoy any congregation met for religious worship, or any lawful assemblage, within the city of Peoria, shall, for each offense, be subject to a fine of not less than ten dollars, nor more than one hundred dollars.

**1687. Disturbing—Peace on Sunday—Penalty.]** § 71. No person shall, on Sunday, engage in or pursue any exercise, game or sport, calculated to disturb the peace and quiet of any citizen, or of any family, within said city, under a penalty of not exceeding five dollars.

**1688. Sunday Amusement — Penalty.]** § 72. It shall be unlawful for any person in said city on the first day of the week, commonly called Sunday, to engage in the amusements or exercises of dancing, fiddling, singing songs, jumping, drilling, running footraces, running horses, ten-pins, billiards, cards, marbles or other games, wrestling, boxing, pitching quoits, or any amusements or exercises of the like nature, nor shall it be lawful for any person in said city to keep open any ten-pin alley, nor to suffer or permit any person or persons to play or roll balls on the same, at any time on Sunday; and

every person convicted of any of the offenses enumerated in this section, shall forfeit and pay not less than two dollars, nor more than one hundred dollars for every offense.

**1689. Keeping Open Place of Business on Sunday—Penalty.]** § 73. It shall be unlawful for any person in said city on the first day of the week, commonly called Sunday, to engage in his ordinary labor, trade or business, or to keep open, or permit to be kept open, any house of trade, shop, or place of business or amusement, except in cases of necessity; and any person convicted of any of the offenses enumerated in this section shall forfeit and pay not less than five dollars, or more than one hundred dollars for every offense: *Provided*, that this section shall not extend to barber shops, drug stores, nor to sale of victuals and provisions made to travelers, boats or passengers thereon, nor the conveying of passengers.

**1690. Keeping Open Saloon on Sunday—Penalty.]** § 74. No retailer of liquors, or proprietor or keeper of any dram shop or drinking saloon, shall, within said city, keep open, or permit to be kept open, his place of business, or any part thereof, on Sunday; nor shall, on that day, sell or deliver any intoxicating, malt, vinous, mixed or fermented liquors, or permit any such liquors to be sold, used or drank in his place of business, or in any room or place adjacent thereto, subject to his control; nor shall, on that day allow or permit any person, or persons, to enter or frequent his place of business, not belonging thereto or connected therewith, under a penalty, in each case, of not less than five dollars, nor more than one hundred dollars.

**1691. Vagrancy — Penalty.]** § 75. All idle persons, who, not having visible means of support, live without lawful employment; all persons habitually idly loitering about or wandering abroad, and visiting or staying about groceries, drinking saloons, houses of bad repute, gambling houses, or railroad depots, or lodging in out-houses, market places, sheds, barns,



or in the open air, and not giving a good account of themselves; all persons wandering abroad and begging, or who go about from door to door, or place themselves in the streets, or other public places to beg or receive alms, shall be deemed vagrants, and, upon conviction, shall be fined in a sum not less than five dollars, nor exceeding one hundred dollars.

**1692. Causing Pauper to be Charge on City—Penalty.]**

§ 76. Whoever shall, knowingly, send, bring or leave any pauper in the city of Peoria, not belong thereto, or shall aid or abet the same, or shall supply with means, or assist any such pauper, or person likely to become a pauper, to come into or remain in the city, in order that he or she may become a charge to the corporation, shall be subject to not less than ten dollars, nor more than one hundred dollars, in each case. It shall be the duty of all police officers to see that the provisions of this section are strictly enforced.

## ARTICLE 32.

### OFFICERS.

#### Section.

- 1693. Appointees of Mayor—Term of Office.
- 1694. Official Bonds—Conditions.
- 1695. Sureties—Justification of.
- 1696. Sureties—Oath of.
- 1697. Bond—Acknowledgment—Approval.
- 1698. Salaries—Fixed Annually.

#### Section.

- 1699. Salaries—Payable Weekly.
- 1700. Fees Established.
- 1701. Reports—Special.
- 1702. Delivery Over to Successor.
- 1703. Office Hours.

**1693. Appointees of Mayor—Term of Office.] § 1.**

All officers appointed by the mayor, with the approval of the city council, whose term of office is not otherwise expressly provided for by law, or ordinance, shall hold their respective offices for the term of two years from the first Tuesday in May next succeeding the general biennial election for city officers, and until their successors are appointed and qualified.

**1694. Official Bonds—Conditions.]** § 2. The bonds of all officers shall be executed with two or more sureties, conditioned for the faithful performance of the duties of their respective offices, as prescribed by the laws of the State of Illinois, and the ordinances of the city of Peoria, and the rules and regulations pertaining to the respective offices.

**1695. Sureties—Justification of.]** § 3. Such sureties shall justify, separately, on the back of the bond, that they are respectively worth the sums stated in their respected justifications, over and above all debts and liabilities by them owing, or incurred, or for which their property is liable, or encumbered, at the time of justification, and over and above all exemptions, by law, of their property from execution. The aggregate amount for which such sureties justify, shall be double the penalty of the bond.

**1696. Sureties—Oath of.]** § 4. In any and all cases where any officer of the city of Peoria shall be, by ordinance, required to take a bond, said officer shall require two or more sureties on such bond, who can justify, as required by the preceding section, in double the amount of the penalty of such bond, which justification shall be entered upon the back of such bond and signed by the sureties.

**1697. Bond — Acknowledgement — Approval.]** § 5. The execution of all bonds shall be acknowledged by the officer, or person giving such bond, and his sureties, before some person authorized by law to take the acknowledgment of deeds, and a certificate of such acknowledgment made thereon. After the approval of the bond by the city council, or officer authorized to approve said bond, the city clerk shall endorse thereon the date of its approval, and file the same.

**1698. Salaries—Fixed Annually.]** § 6. The salaries, or compensation of all officers, clerks, and employes of the city, except aldermen, shall be determined and fixed by the city council in the annual appropriation bill, or by ordinance.

**1699. Salaries—Payable Weekly.] § 7.** The salaries and pay of all city officers and employes shall be paid semi-monthly to each person entitled thereto, in the manner to be prescribed by the city council.

**1700. Fees Established.] § 8.** Any city officer, upon whom the duty devolves, is hereby authorized to demand and receive as fees, for the use of the city (except where provision is herein made to the contrary):

For transferring each license, one dollar.

For taking bond on such transfer, one dollar.

For each deed for real estate issued by the city, two dollars.

For use of corporate seal on any attestation, acknowledgment, or other certificate, fifty cents.

Administering oath and attesting the same, twenty-five cents.

For certified copies of any record, each one hundred words, twenty-five cents.

**1701. Reports—Special.] § 9.** All officers of the city shall in addition to the regular reports required to be made by them, report to the mayor, or city council, in writing, when so required, the condition of their respective offices, and of the business, and all matters therein, touching the interests of the city.

**1702. Office Hours.] § 10.** The offices of the respective city officers shall be open every day for business, except Sundays and legal holidays, from eight o'clock in the forenoon to five o'clock in the afternoon, except the office of the mayor, which shall be open at such hours as he shall prescribe.

**1703. Penalty.] § 11.** Any officer violating any provision of this article, shall be deemed guilty of misconduct in office, and liable to removal, therefor.

## ARTICLE 33.

## OFFICIAL PAPER, BLANKS, ETC.

## Section.

- 1704. Annual Contract.
- 1705. Bids for Letting Contract.
- 1706. Award of Contract.
- 1707. Official Journals.

## Section.

- 1708. Matter to be Printed in Official Journals
- 1709. Blanks for Offices.
- 1710. Bids for Blanks—Form of.
- 1711. Contractor to Give Bond.

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**1704. Annual Contracts.] § 1.** The city clerk shall, on the first day of June, 1892, and annually thereafter, advertise in three of the daily newspapers published in the city of Peoria, one of which said newspapers is published in German, inviting proposals for the following contracts:

*First:* For the publication in one English, and also in one German newspaper, both of which shall be published daily, of those matters and things required by law, or any ordinance of the city to be published in a newspaper.

*Second:* For the printing and furnishing of all forms and blanks which may be required by the several departments and officers, of the city government.

**1705. Bids—Letting Contract.] § 2.** Such advertisement shall be published for three consecutive week days. Separate bids shall be made for each of said contracts, which said bids shall be sealed and directed to the city clerk, within twenty days after the date of the first publication of said advertisement, and each contract shall be let to the lowest responsible bidder.

**1706. Award of Contract.] § 3.** Said bids shall be opened at the hour and place mentioned in said advertisement by the city clerk, in the presence of the mayor and comptroller, who with said clerk, shall constitute a board for such purpose. And said contracts shall then and there be awarded by the said board to the lowest responsible bidder, as the same

appears from each bid for the work to which such bid relates. *Provided*, however, that nothing herein shall be so construed as to prevent said board from taking the average of any two or more bids, of any person, firm or corporation, as to any, or all matters, to which such bids relate. In case of any of said bids are the same in amount, and the bidders equally responsible, the majority of said board shall determine to which of said bidders the contract shall be awarded.

**1707. Official Journals.]** § 4. The newspapers to which the first named contract may be awarded and let by said board shall be the official journals of the city of Peoria, and each of said journals shall forthwith furnish a bond, with two or more sureties, to be approved by said board, in the sum of one thousand dollars, condition for the faithful performance of their contract.

**1708. Matter to be Printed in Official Journals.]** § 5. No matter shall be printed in the official journals, at the expense of the city of Peoria, not required by the laws of the United States, the laws of this State, or the ordinances of the city, unless further authorized by the city council, and all bills for printing done by the official journals of the city shall be audited by the board (provided in section three (3) of this article), and when approved by the city council, the comptroller shall draw his warrant upon the city treasurer for the payment of the same, and all such bills shall be paid monthly.

**1709. Blanks for Offices.]** § 6. It shall be the duty of the city clerk to obtain from each of the city officers, specimen copies of all such blanks, forms and other matter to be printed, as may be required in the duties of their respective offices, which said copies shall be on file in his office for examination by all persons who may desire to bid for said second contract.

**1710. Bids for Blanks—Form of.]** § 7. The bids for said last mentioned contract shall be for the price per ream and page, at which each and every size of the blanks, forms and



other printed matter required in said contract will be furnished and printed by the party bidding, and the contract shall be awarded in the manner provided in section three (3) of this article, and all bills audited and paid in the manner provided in section five (5) of this article.

**1711. Contractor to Give Bond.]** § 8. Any person, firm or corporation, to whom said last mentioned contract may be awarded, if the aggregate of his, their, or its bid, or bids, exceed one hundred dollars, shall execute a bond in an amount equal to the total of such bid, or bids, with two or more sureties, to be approved by the board constituted by section three (3) of this article, conditioned for the faithful performance of the contract.

## ARTICLE 34.

### ORDINANCES.

Section.	Section.
1712. Engrossment of.	1717. Words—How Construed.
1713. Record of—Proof of.	1718. Penalty not Expressed.
1714. Two Penalties—Election Between— One Judgment Only.	1719. Revised Ordinances—Custody and Distribution.
1715. Minimum Fine Only Expressed— Judgment May be for \$200.	1720. Repeal—Rights Reserved.
1716. Repeal of Repealing Ordinance—Non Revivor.	

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**1712. Engrossment of.]** § 1. Every ordinance shall be engrossed by the clerk before the vote is taken upon its final passage, unless otherwise ordered by three-fourths of all the aldermen elected, except such ordinances as may be sent to the council by the department of public works.

**1713. Record of—Proof of.]** § 2. All ordinances passed by the city council shall be recorded by the city clerk in a proper book or books with indexes, the originals to be filed in the clerk's office, and due proof of the publication of all ordinances requiring publication by the certificate of the printer

or publisher, shall be procured by the clerk and attached thereto, or written and attested upon the face of the record of such ordinances.

**1714. Two Penalties—Election Between—One Judgment Only.]** § 3. In all cases where the same offense may be made punishable, or shall be created by different clauses or sections of the ordinances of the city of Peoria, the prosecuting officer may elect under which to proceed; but no more than one recovery shall be had against the same person for the same offense.

**1715. Minimum Fine Only Expressed—Judgment May be for \$200.]** § 4. Whenever in this, or in any ordinance hereafter passed, a minimum, but no maximum fine or penalty is imposed, the court may, in its discretion, adjudge the offender or offenders to pay a sum of money exceeding the minimum fine or penalty so fixed, not exceeding the sum of two hundred dollars.

**1716. Repeal of Repealing Ordinance—Non Revivor.]** § 5. When any ordinance repealing a former ordinance, clause or provision, shall be itself repealed, such repeal shall not be construed to revive such former ordinance, clause or provision; unless it shall be therein so expressly provided.

**1717. Words—How Construed.]** § 6. Whenever any words in any ordinance importing the plural number shall be used in describing or referring to any matters, parties, or persons, any single matter, party or person shall be deemed to be included, although distributive words may not be used. And, when subject matter, party or person shall be referred to in any ordinance by words importing the singular number only, or the masculine gender, several matters, parties or persons, and females as well as males and bodies corporate shall be deemed to be included: *Provided*, that these rules of construction shall be applied to any ordinance which shall contain

any express provision excluding such construction, or where the subject matter or context of such ordinance may be repugnant thereto.

**1718. Penalty Not Expressed.]** § 7. Whenever in any ordinance the doing of any act, or the commission to do any act of duty is declared to be a breach thereof, and there shall be no fine or penalty prescribed for such breach, any person who shall be convicted of any such breach shall be adjudged to pay a fine of not less than five dollars, nor more than one hundred dollars for each offense.

**1719. Revised Ordinances—Custody and Distribution of.]** § 8. All the printed books containing the revised ordinances shall be in the custody and keeping of the city clerk. He shall deliver one copy thereof to each officer of the city, and to such other persons as the city council may direct. The mayor or city clerk shall have authority to extend to, or reciprocate courtesies of other cities, by presenting to them a copy of the revised ordinances bound, at the expense of the city, in such manner as to him may seem advisable.

**1720. Repeal—Rights Reserved.]** § 9. All public or general ordinances, or parts thereof, not included in this ordinance, are hereby repealed, so far as they contravene, or conflict with the provisions of this ordinance: *Provided*, the repeal of said public or general ordinances, or parts thereof, shall not be construed to impair any right existing, or affect any proceeding pending, or be taken as a release or waiver of any agreement, contract, right, debt, obligation or liability accrued, or incurred, or of any claim arising under said former ordinances, or parts thereof, or as to any claim arising, or right accruing, before this ordinance takes effect, or of any fine, penalty, forfeiture, or punishment incurred, or of any action suit or proceeding, instituted and pending; *Provided*, further, if any penalty, forfeiture or punishment, be

mitigated by any provision of this ordinance, such provision may, by the consent of the party affected, be applied to any judgment pronounced after this ordinance takes effect.

## ARTICLE 35.

### PARKS AND PUBLIC GROUNDS.

#### Section.

- 1721. Parks and Public Grounds--Superintendence of.
- 1722. Entrance and Egress.
- 1723. Animals Prohibited.
- 1724. Fire-arms, Missiles, etc.--Injury to Property.
- 1725. Sales--Peddling and Hawking--Prohibited.

#### Section.

- 1726. Indecent Words or Act--Fortune Telling--Gaming.
- 1727. Bill Posting Forbidden.
- 1728. Grass Not to be Trodden--Except.
- 1729. Police--Arrest of Offenders.
- 1730. Penalty.

### **1721. Parks and Public Grounds--Superintendence of.]**

§ 1. The commissioner of public works of the city of Peoria, shall have supervision and control of all public parks, public squares, and public grounds, in the city of Peoria, and shall appoint such park janitors as the city council may authorize, and shall keep the fences thereof in repair, the walks in order, and the trees properly trimmed, and improve the same according to the plans approved by the city council.

**1722. Entrance and Egress.]** § 2. No person shall enter or leave any of the public parks, public squares, or public grounds of the city of Peoria, except by their gateways; and no person shall climb, or walk upon their walls or fences.

**1723. Animals Prohibited.]** § 3. Neither cattle, horses, goats, swine, or other animals, shall be turned into, or allowed in any of the parks, public squares, or public grounds, of the city of Peoria, by any person.

**1724. Fire Arms, Missiles, Etc.--Injury to Property.]** § 4. All persons are forbidden to carry fire arms, or to throw stones, or other missiles, within any of the public parks, public squares, or public grounds, within said city. All persons

are forbidden to cut, break, or in any way injure, or deface, the trees, shrubs, plants, turf, or any of the buildings, fences, bridges, or other property, within or upon any of the public grounds heretofore mentioned.

**1725. Sales, Peddling and Hawking Prohibited.] § 5.** No person shall expose any article or thing for sale upon any of said public parks, public squares or public grounds; nor shall any hawking, or peddling be allowed therein.

**1726. Indecent Words or Acts—Fortune Telling—Gaming.] § 6.** No threatening, abusive, insulting, or indecent language shall be allowed in any part of said public grounds, whereby a breach of the peace may be occasioned. No person shall be allowed to tell fortunes, or play at any game of chance, or with any table or instrument of gaming, nor to do therein, any obscene or indecent act.

**1727. Bill Posting Forbidden.] § 7.** No person shall post, or otherwise affix, any bills, notice, or other paper upon any structure or thing, within any of the said public grounds, nor upon any of the gates or enclosures thereof.

**1728. Grass Not to be Trodden—Except.] § 8.** No person shall go upon the grass, lawn, or turf of the parks, except when and where the word "common" is posted; indicating that persons are at liberty, at that time and place, to go on the grass.

**1729. Police—Arrest of Offender.] § 9.** Any member of the city police shall have power to arrest any person who shall not desist from any violation hereof, when directed, and cause him to be committed for examination.

**1730. Penalty.] § 10.** Any person who shall violate any or either of the provisions, of any section, or clause of this chapter or article, or who shall neglect, or fail, or refuse, to comply with any or either of the requirements thereof, shall, on conviction, pay a fine of not less than five dollars, nor more than one hundred dollars.



## ARTICLE 36.

PAWNBROKERS AND LOANBROKERS OR KEEPERS OF LOAN  
OFFICES.

## Section.

- 1731. License Required.
- 1732. Pawnbroker Defined.
- 1733. License Fee.
- 1734. Bond.
- 1735. Record of Loans and Pledges.
- 1736. Memorandum of Pledge to Pledgor.
- 1737. Police Inspector of Record.
- 1738. Prohibited Purchases.
- 1739. Report to Police Department.

## Section.

- 1740. Redemption or Removal of Pledge—  
When Prohibited.
- 1741. Hours of Business.
- 1742. No Pawn from Minors.
- 1743. Exclusive Business, as to the Place,  
Licensed.
- 1744. Minors Not to be Employed.
- 1745. Prohibited Pledges.
- 1746. Police Report—Revocation of License.
- 1747. Penalty.

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**1731. License Required.]** § 1. The mayor may, from time to time, grant licenses to such persons as shall produce to him satisfactory evidence of their good character, to exercise or carry on the business of a pawnbroker, or of a loan broker or keeper of a loan office; and no person shall exercise or carry on the business of a pawnbroker or loanbroker, or keeper of a loan-office, without being duly licensed, under a penalty of one hundred dollars for each and every day any person shall exercise or carry on said business without said license.

**1732. "Pawnbroker" Defined.]** § 2. Any person who loans money on deposit or pledge of personal property, or who deals in the purchase of personal property on condition of selling the same back at a stipulated price, or who make a public display at his place of business, of the sign generally used by pawnbrokers to denote their business, to-wit: "three gilt or more or less yellow balls," or who publicly exhibits a sign of "money to loan on personal property, or deposit or pledge," is hereby declared to be a pawnbroker.

**1733. License Fees.]** § 3. Every applicant for a license as a pawnbroker, shall before the same issue, pay to the city clerk for the use of the city of Peoria, the sum of one hun-

dred and fifty dollars, which sum shall be in full of a license of said business for the term or period of one year and such license shall not be transferable to any person, or persons, except upon the written consent of the mayor endorsed thereon.

**1734. Bond.] § 4.** Every person so licensed shall at the time of receiving such license, give bond with two or more sureties, to be approved by the mayor, in the sum of five hundred dollars, condition for the due observance of all ordinances of the city of Peoria, or that may be passed during the term for which such license is granted.

**1735. Record of Loans and Pledges.] § 5.** Every pawnbroker and loanbroker, or keeper of a loan office, shall keep a book in which shall be plainly written in ink, at the time of each loan, an accurate account and description, in the English language, of the goods, articles or thing pawned or pledged, the amount of money loaned thereon, the time of pledging the same, the rate of interest to be paid on such loan and the name and residence of the person pawning or pledging said goods, article or thing, No such entry made in said book shall be erased, obliterated or defaced.

**1736. Memorandum of Pledge to Pledgor.] § 6.** Every pawnbroker and loanbroker, or keeper of a loan office, shall, at the time of each loan, deliver to the person pawning or pledging any goods, article or thing, a memorandum, or note signed by him or her, containing the substance of the entry required to be made in his or her book by the last preceding section; and no charge shall be made, or received by any pawnbroker or loanbroker, or keeper of a loan office for any such entry, memorandum or note.

**1737. Police Inspection of Record.] § 7.** The said book as well as every article, or other thing of value pawned or pledged shall, at all reasonable times, be open to the inspection of the mayor, or any member of the police force.

**1738. Prohibited Purchases.]** § 8. No pawnbroker, loanbroker, or keeper of a loan office shall, under any pretense whatever, purchase or buy any second-hand furniture, metals, or clothes, or any other article or thing whatever, offered to him or her as a pawn or pledge.

**1739. Report to Police Department.]** § 9. It shall be the duty of every person so licensed as aforesaid, to make out and deliver to the superintendent of police every day, before the hour of 12 M., a legible and correct copy from the record book required in Section 5 of this article, of all personal property and other valuable things received on deposit during the preceding day, together with the time, meaning the hour, when received or purchased and a description of the person, or persons, by whom left in pledge or from whom the same were purchased.

**1740. Redemption or Removal of Pledge—When Prohibited.]** § 10. No personal property received on deposit, or pledged by any such licensed person shall be sold or permitted to be redeemed or removed from the place of business of such licensed person for the space of twenty-four hours after the copy and statement required to be delivered to the superintendent shall have been delivered as required by the preceding section.

**1741. Hours of Business.]** § 11. No person licensed as aforesaid shall receive on deposit or pledge any personal property, or other valuable thing, before the hours of six A. M., nor after the hour of eight P. M., during the months of January, February, March, April, October, November and December of each year; nor before the hour of five A. M., nor after the hour of nine P. M., during the months of May, June, July, August and September of each year.

**1742. No Pawn From Minor.]** § 12. No person licensed, as aforesaid, shall take or receive in pawn or pledge, for money loaned, any property, bonds, notes, securities, arti-

cle or valuable thing from any minor, or the ownership of which is in, or which is claimed by any minor, or which may be in the possession or under the control of any minor.

**1743. Exclusive Business—As to the Licensed Place.]**

§ 13. No person licensed, as aforesaid, shall carry on any other business or vocation, directly or indirectly, in the same building, or in any building adjoining the place or building in which he or she may be licensed to carry on the business of pawnbroker, loanbroker or keeper of a loan office.

**1744. Minor Not to be Employed.] § 14.**

No person licensed, as aforesaid, shall employ any person under sixteen years of age, to take pledges in pawn.

**1745. Prohibited Pledges.] § 15.**

No person so licensed, shall take any article in pawn from any person appearing to be intoxicated, nor from any person known to be a notorious thief, or to have been convicted of larceny, or burglary.

**1746. Police Report—Revocation of License.] § 16.**

It shall be the duty of all members of the police force to report to the mayor, any failure to comply with provisions of this article, and the mayor may revoke the license of any person offending against any of its provisions. And the mayor shall, forthwith, revoke the license of any person who shall be convicted of a violation of any provision of this article, whether such judgment of conviction shall have been appealed from or not.

**1747. Penalty.] § 17.**

Every pawnbroker, loanbroker, or keeper of a loan office, who shall violate or neglect or refuse to comply with any or either of the provisions of this article, when no other penalty is imposed, shall, upon conviction, be subject to a penalty of not less than ten dollars, nor more than one hundred dollars for each and every offense, and in addition to such penalty the license of any person convicted as aforesaid, shall be revoked.

ARTICLE 37.

PEDDLERS.

Section.

- 1748. Peddler Defined—License Required—Penalty.
- 1749. License Fee.
- 1750. Vehicle to Show Name of Licensee.
- 1751. Food Inspector—Duty of.
- 1752. Entry on Wagons—Etc.—Prevention of Adulteration.

Section.

- 1753. Wholesome Food—Penalty.
- 1754. Milk—Prohibited Quality.
- 1755. Misrepresentation—Penalty.
- 1756. Ordinance—Construction of.
- 1757. Hawking on Street—Penalty.
- 1758. Penalty.

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**1748. Peddler Defined—License Required—Penalty.]**

§ 1. Every person who shall sell, or offer for sale, barter or exchange, at retail, any farm produce, vegetables, butter, milk, poultry, fish or other goods, wares or merchandise, traveling from place to place, in, along, and upon the streets, avenues, alleys, or public places of this city, or who shall sell and deliver, from any wagon, or other vehicle, going from place to place, in the city of Peoria, whether to regular customers or not, any farm produce, goods, wares, or merchandise, shall be deemed a peddler, and shall, annually, and before engaging in said business, obtain a license as a peddler. No person shall engage in the business of a peddler, as above specified and defined, without a license, under a penalty of not less than five dollars, nor more than fifty dollars, for each offense.

**1749. License Fee.]** § 2. The mayor shall grant licenses as required in the preceding section of this article, upon payment, to the city clerk, of an annual license fee of twenty-five dollars, said license shall include the right to use only one wagon, vehicle or conveyance, in carrying on his business, as aforesaid, and said license shall not be transferable, without the consent of the mayor.

**1750. Vehicle to Show Name of Licensee.]** § 3. Every wagon, cart, or other vehicle used by a person licensed under



this article, shall be conspicuously and permanently, marked with the name of such person, and with the number of his license.

**1751. Food Inspector—Duty of.]** § 4. It shall be the duty of the food inspector to secure the enforcement of the provisions of this article, and also to report to the mayor, every violation of any provision of this article, that may render the license of the person committing the same, liable to revocation, as hereinafter specified; to prevent, so far as he has legal power to do so, all sale of, or dealing in decayed, or unwholesome vegetables, produce, poultry or fish, or impure, adulterated or unwholesome milk; and to cause the arrest, and prosecution of any and all offenders, against the provisions of this article.

**1752. Entry on Wagons, Etc.—Prevention of Adulteration.]** § 5. The said inspector shall have power and authority to enter any and all wagons or other vehicles, used and employed by peddlers, within the corporate limits of said city, whenever he has reason to believe that any article therein, is adulterated, impure or unwholesome, and whenever he deems it necessary, he shall take samples thereof, and cause the same to be analyzed, or otherwise satisfactorily tested, and the result of such test shall be recorded and preserved as evidence.

**1753. Unwholesome Food—Penalty.]** § 6. Whoever sells, or exchanges, or has in his possession, with intent to sell or exchange, or offer for sale or exchange, any unwholesome vegetables, fish, farm produce, or other articles used for human food, or adulterated, or unwholesome milk, or milk to which water or any foreign substance has been added, shall, for such offense, be punished by a fine of not less than ten dollars, nor more than two hundred dollars.

**1754. Milk—Prohibited Quality.]** § 7. All milk produced from sick or diseased cows, and all milk obtained from

cows fed on slops or waste, shall be deemed impure and unwholesome within the meaning of this article; and all milk to which water, ice or any other substance has been added, shall be deemed adulterated within the meaning of this article; and, it shall be unlawful for any person, to sell, offer, or expose for sale, any milk from which the cream, or any part thereof, has been removed, unless such be sold as "skimmed milk," and the character of the same be expressly and distinctly stated to the purchaser.

**1755. Misrepresentation—Penalty.]** § 8. Any person, licensed as aforesaid, under this article, who shall be guilty of any fraud, cheat, misrepresentation or imposition, while acting under such license, or while selling his goods, shall, on conviction thereof, be subject to a fine of not less than ten dollars, nor more than one hundred dollars.

**1756. Ordinance—Construction of.]** § 9. This article shall not be so construed, as to prevent any farmer, fruit or vine grower, and gardener, from the right to sell the produce of his farm, orchard, vineyard and garden, in any place or market, where such articles are usually sold, and in any quantity he may think proper, without obtaining a license therefor; nor shall the same be so construed as to make it a penal offense for children under the age of twelve years to peddle apples or other fruit, provided they do not occupy a stand; nor shall it be so construed as to apply to the peddling of newspapers.

**1757. Hawking on Street—Penalty.]** § 10. It shall be unlawful for any person whatever, whether he has a peddler's license or not, in going along the streets, alleys, highways, or public places of the city of Peoria, to call out, cry, or by any device, make any noise, or blow any horn, to call attention to the sale of any goods, wares, merchandise, or any article or thing whatever, under a penalty of not less than one dollar, nor more than ten dollars for each offense.

**1758. Penalty.] § 11.** Any person who shall violate any of the provisions of this article, or refuse or neglect to comply with any requirement thereof, where no other or different penalty is provided, shall be punished by a fine of not less than five dollars, nor more than one hundred dollars. And, in addition to any fine, all licenses that may have been issued to any such person, may be revoked by the mayor, upon a conviction for a violation of any of the provisions of this article.

## ARTICLE 38.

### PLUMBERS AND DRAIN LAYERS.

#### Section.

- 1759. License—Penalty.
- 1760. License Fee—Qualifications.
- 1761. Application for License.
- 1762. Bond—Condition.
- 1763. License Posted—Change of Firm.

#### Section.

- 1764. License Not Transferable.
- 1765. Inspection of Plumbers' Work.
- 1766. House Plumbing and Drainage—Inspection of,
- 1767. Penalty.

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**1759. License—Penalty.] § 1.** No person, or firm, shall carry on the business of plumber, or drain layer, within said city, without first having obtained a license therefor, under a penalty, of not less than twenty dollars, nor more than two hundred dollars, for each offense.

**1760. License Fee—Qualifications.] § 2.** Licenses shall be granted to practical plumbers, and drain layers, upon the payment of ten dollars per annum. They must be experienced in their business, must be at least twenty-one years of age, and upon making application for a license, must furnish the mayor with satisfactory evidence of the above; and a petition, signed by two licensed plumbers of this city, vouching for the business capacity and reputation of the applicant, and for his worthiness to receive a license, may be taken as satisfactory evidence.

**1761. Application for License.]** § 3. Application for a license shall be made, in writing, to the mayor; it shall state the full name of the applicant, his place of residence, his existing, or proposed place of business, and the firm name under which the business is to be carried on, and the name of each member of any firm.

**1762. Bond—Condition.]** § 4. Before any license shall be granted to any person to carry on the business of plumber, or drain layer, he shall execute a bond to the city of Peoria, with two or more sureties, to be approved by the mayor, in the sum of five thousand dollars, conditioned, that he will indemnify and save harmless the city of Peoria from all accidents and damages, caused by any negligence in either the execution, or protection of his work, or for any unfaithful or inadequate work done under and by virtue of his license; and, that said license, as such, will also conform to all the conditions and requirements of the city for his government, and in default thereof, will submit to such penalties as are, or may be prescribed by the city council.

**1763. License Posted—Change of Firm.]** § 5. Any change of the firm name, or location of business, must be promptly reported to the commissioner of public works, and the license shall be kept in a conspicuous place at the place of business.

**1764. License Not Transferable.]** § 6. When two or more persons are co-partners, licenses shall issue in the name of the firm, or co-partnership, and no license shall be transferable.

**1765. Inspection of Plumbers' Work.]** § 7. All digging up streets, and connections with sewers, drains, water and gas pipes, shall be made in accordance with the provisions of the ordinances of the city in relation thereunto, and shall be subject to the inspection, supervision, and approval of the com-

missioner of public work, and all faulty, or defective work which may, at any time, be discovered, shall be made satisfactory to the commissioner of public works, and no further permits will be issued to the party in default until this section shall have been fully complied with.

**1766. House Plumbing and Drainage—Inspection of.]** § 8. All plumbing and drain work in any house, or connected therewith, shall be subject to the inspection, supervision, and approval of the superintendent of buildings.

**1767. Penalty.]** § 9. Any plumber, or drain layer, who shall be guilty of any violation of any of the provisions of this article, or any of the ordinances of the city relating to the conduct of his business, as such plumber or drain layer, shall forfeit his license, and shall be subject to a fine of not less than ten dollars, nor more than one hundred dollars.

## ARTICLE 39.

### POLICE MAGISTRATE.

Section.	Section.
1768. Election of.	1777. Police Officer—Not to Retain Witness Fees.
1769. Jurisdiction of.	1778. Jury Trial—to Fix Fine.
1770. Amendments of Complaint, etc.	1779. Jury Fees—Witness Fees.
1771. Violation of City Ordinance—Form of Complaint.	1780. Magistrate's Fees.
1772. Sworn Complaint—Warrant to Issue—To Whom Directed—Trial, etc.	1781. Officer's Fees to be Taxed.
1773. Offender Unknown—Description of—Duty of Magistrate.	1782. Costs Adjudged Against City—How Payable.
1774. Conviction—Commitment—Limit of Term.	1783. Fines to be Paid to City Treasurer—When.
1775. Warrant of Commitment—Form of.	1784. Collection on Execution by Officer—Duty to Report.
1776. Writ—How Officer to Execute.	1785. Magistrate to report monthly.

**1768. Election.]** § 1. That there shall be elected in and for the city of Peoria, one police magistrate, at the annual election of city officers in 1892, and quadrennially thereafter.

**1769. Jurisdiction of.]** § 2. All suits or actions for the recovery of any fine, penalty, or forfeiture, arising under the laws or ordinances of the city of Peoria, where the amount



sued for, or in controversy, does not exceed two hundred dollars, may be brought before any police magistrate, or justice of the peace in the city.

**1770. Amendments of Complaint, Etc.]** § 3. No suit or proceeding, under the laws, or ordinances of the city, shall be dismissed for any defect, or informality in the complaint, if the offense be substantially alleged therein; and amendments may be allowed in all cases upon such terms as the magistrate, or court, before which the case is pending, shall deem just and reasonable.

**1771. Violations of City Ordinances—Form of Complaint.]** § 4. All prosecutions for the violation of any of the ordinances of the city of Peoria, shall be upon complaint, which shall be sworn to by the person making the same, which said complaint shall be in substantially the following form, to-wit:

STATE OF ILLINOIS, }  
City and County of Peoria, } ss.

A. B., being first duly sworn, by way of complaint to ———, police magistrate of the city of Peoria, states that section ——— of ordinance ——— of said city of Peoria has been violated, and that he has reasonable grounds to believe that C. D. has been guilty of a breach of said ordinance by [here describe the particular breach of the ordinance], in the city of Peoria and county aforesaid, between the ——— day of ——— 18—, and the ——— day of ———, 18—.

A. B.

Subscribed and sworn to by the said A. B. before me this ——— day of ———, 18—.

E. F.,

Police Magistrate.

Which complaint may be written or printed, or partly written and partly printed, and said form shall and may be so varied as to apply to the nature of the offense or breach, or time, place, number of persons joined in action, or suit, etc., as the occasion and the right and justice of the case may require, without regard to the particular form of words; and no objection to form, or words, shall be allowed, if such complaint

shall substantially set forth the nature of the offense charged, under oath, so as to give notice to the defendant of the nature of the charge which he is called upon to answer.

**1772. Sworn Complaint — Warrant to Issue — To Whom Directed—Trial, Etc.]** § 5. That if such complaint be made by any city officer of said city, the same shall be signed and sworn to by the officer making it, the same as if it were made by any other person than a city officer, and shall be verified by affidavit in the usual way of making complaint on oath; and the said police magistrate shall thereupon issue his warrant, reciting therein the breach of the ordinance as set forth in the complaint, for the arrest of the person named or described therein, returnable forthwith; which warrant shall be directed to the superintendent of police or any policeman of said city, or to any constable of Peoria county; and the said police magistrate, on the appearance of the offender, shall, without unnecessary delay, proceed with the examination and trial of the defendant.

**1773. Offender Unknown—Description of—Duty of Magistrate.]** § 6. If the name of any defendant is unknown he may be designated by any description by which he can with certainty be identified; and if upon arrest he shall refuse to disclose his true name, he may be tried and convicted by the designation used in the warrant. But where the true name of any defendant is known to the magistrate, or can be ascertained by him, it shall be the duty of such magistrate to place the same upon his docket.

**1774. Conviction — Commitment — Limit of Term.]** § 7. That in all cases where any person may hereafter be convicted of a violation of any of the ordinances of said city, and the amount of the fine and costs shall not be paid immediately upon rendition of judgment, the magistrate before whom the trial may be had, may commit the defendant by warrant of

commitment to the house of correction of the city of Peoria, until such fine and costs be fully paid, for a period not exceeding six months for any one offense.

**1775. Form of Warrant of Commitment to the Superintendent of House of Correction.]** § 8. The said warrant of commitment shall be in the following form, as near as may be, to-wit:

STATE OF ILLINOIS, }  
City and County of Peoria. } ss

*The People of the State of Illinois, to the Superintendent of the House of Correction of the City of Peoria—Greeting:*

WHEREAS, a judgment upon a fine and costs was rendered by the undersigned, a police magistrate of the City of Peoria, in said county, on the .....day of....., 18.., in the suit of the city of Peoria against [insert name of defendant] for the violation of an ordinance of said city, for the amount of [here insert amount of fine] besides [here insert amount of costs] costs of suit, and the said [name of defendant] having failed to pay said fine and costs, as provided by ordinance, it was ordered by the undersigned that he be committed to the said house of correction until such fine and costs are fully paid, for the period of....., from the..... day of....., 18..

You are, therefore, hereby commanded, in the name of the said People, to receive and safely keep in your charge and custody the said [name of defendant] until such fine and costs are fully paid, for the period of [insert time of imprisonment] from the.....day of....., 18.., and compel the said [name of defendant] to work at such labor within and without said house of correction as his [or her] strength will permit, not exceeding ten hours each working day; subject to the rules and regulations for the government and discipline of persons committed to said house of correction; and for such labor the said [name of defendant] shall be allowed exclusive of his [or her] board, the sum of fifty cents for each day's work on account of said fine and costs; and when the whole amount of said fine and costs has been worked out or paid in money, or paid part in money and part in labor as aforesaid, you, the said superintendent, shall discharge the said [name of defendant] from your custody, and of which fine and costs and the term of imprisonment, as herein stated, you, the said superintendent, will take due notice.

Given under my hand and seal, at the city of Peoria, this..... day of....., 18..

[SEAL]

E. F.

Police Magistrate of the city of Peoria.

**1776. Writ—How Officer to Execute.]** § 9. That the officer, who shall execute any writ, or other process issued by a police magistrate of said city, shall unless otherwise directed by this or some other ordinance of said city, proceed in the execution of his duty in the same manner as constables are required to proceed under the laws of this state; and the police magistrate, in issuing process and on the return thereof, shall, unless otherwise directed by this, or some other ordinance of said city, be governed by the law of this state appertaining to like proceedings before justices of the peace.

**1777. Police Officer—Not to Retain Witness Fees.]** § 10. That in all suits and prosecutions in behalf of the said city, before any police magistrate, for a violation of a city ordinance, any policeman or other officer of said city is hereby made a competent witness; but no policeman shall be entitled to retain any witness fee in any such case.

**1778. Jury Trial—Fix Fine.]** § 11. The city of Peoria, by the city attorney, or any person who shall be accused of having committed a breach of any ordinance, now or hereafter to be in force in the city of Peoria, may have the cause tried by a jury of six lawful men, and if desired, by a full jury of twelve, who shall be summoned to try the cause, and, if the jury find the accused guilty, they shall assess and state the amount of the fine, upon which the magistrate shall give judgment for fine and costs and proceed to collect the same as herein required.

**1779. Jury Fees—Witness Fees.]** § 12. Each juror so summoned, and who shall sit upon the trial of any such cause, shall be entitled to the sum of fifty cents per day, for each and every day, or fraction of a day, while so occupied, and the complainant, or defendant, as the case may be, demanding the jury, shall advance the fee before the venire shall issue therefor; and a like amount in advance, for each day, or fraction of a day, their services as such as are required in the trial

of any cause. All witnesses subpœnaed upon the trial of any such cause, shall be entitled to a like sum of fifty cents per day, for each day's necessary attendance, to be taxed as costs in the case, and abide the result of the suit.

**1780. Magistrates Fees.] § 13.** That police magistrates, in all causes for the violations of ordinances of the city, shall be allowed, when earned, the following fees to wit:

For taking each complaint in writing, under oath, thirty-five cents.

For each summons or warrant, twenty-five cents.

For administering oath to affidavit, when drawn by police magistrate, thirty-five cents.

For administering oath to affidavit, when not drawn by police magistrate, ten cents.

For taking each bond, thirty-five cents.

For taking bail, fifty cents.

For docketing each suit, twenty-five cents.

For each subpœna, twenty-five cents.

For each venire, in all cases, twenty-five cents.

For taking recognizance, and returning same, fifty cents.

For administering oath, five cents.

For entering continuance, or any other order in the case, fifteen cents.

For transcript in change of venue, fifty cents.

For entering verdict of jury, fifteen cents.

For entering judgments, twenty-five cents.

For each mittimus, thirty-five cents.

For entering satisfaction of judgment, ten cents.

For entering each appeal, twenty-five cents.

For transcript of judgment and proceedings in cases of appeal, fifty cents.

For issuing execution, twenty-five cents.

For the trial of all contested cases, a per diem of two dollars, and no other fees or charges whatever, shall be taxed or



charged by said police magistrates, unless the same be authorized by the laws of the state of Illinois, or the ordinances of the city of Peoria, hereafter to be adopted.

**1781. Officers' Fees to be Taxed.]** § 14. In all prosecutions for violations of city ordinances, there shall be taxed as a part of the costs, and collected and paid into the city treasury, the following officers' fees, to-wit:

For serving and returning a warrant, for each person served, fifty cents.

For serving subpœna, for each person served, twenty-five cents.

For serving a venire, fifty cents.

For attending and waiting on a jury, fifty cents.

For serving and returning each execution, fifty cents.

For serving and returning a writ of attachment, fifty cents, and five cents per mile each way for actual distance traveled by him in serving such writ, the distance to be computed from the office of the police magistrate, or justice of the peace, to the residence of each person served.

For serving mittimus, fifty cents.

**1782. Costs Adjudged Against City—When Payable.]** § 15. In all prosecutions for any violation of any ordinance of the city of Peoria, in which the costs, or any part thereof, shall be adjudged against said city, the payment of the same shall in each instance, be in the discretion of the city council, and payable only as it shall by ordinance, or resolution, provide.

**1783. Fines to be Paid to City Treasurer—When.]** § 16. The police magistrate and justices of the peace, or other such officer, collecting fines, costs or moneys on account of the city, shall pay over the same to the city treasurer, on or before the first of each and every month. If any such officer shall neglect or refuse to pay over the amount of any fine or moneys, collected by him for the use of the city, as herein

required, it shall be the duty of the city comptroller, to give notice to any such person, to pay over, as aforesaid, all moneys so due the city, and every such person, so notified, failing or refusing to comply with such notice, within ten days after the service of the same, as herein provided, shall be deemed and held to be in default, and proceedings shall at once be commenced by the proper department of the city government, against any person so delinquent, and the official sureties of such person, to compel the payment of all moneys so due the city, and such officer finally adjudged to be in default, shall be subject to such further proceedings provided by law, concerning the withholding of public funds, upon lawful demand therefore, being made.

**1784. Collection on Execution by Officer—Duty to Report.]** § 17. It shall be the duty of every officer of the city, holding any execution for the collection of any fine, or penalty, imposed by any lawful authority of the city government, to make to the court from which such execution issued, a report of all moneys collected by him on such writ, and pay the said amount into the proper court, as soon as any sum thereon is received, and to make proper return of such writ in the time and manner provided by law.

**1785. Magistrate to Report Monthly to Council.]** § 18. The police magistrate or justice of the peace, before whom any suit may be brought, for the recovery of any fine or penalty, for the violation of any ordinance, or law of the city, shall, on the first Monday of each month, report to the city council, on blanks to be provided for that purpose, a detailed list of all suits brought before such magistrate, or justice of the peace, in the name of the city, since his last report, the amount of fines imposed, if any, and whether any portion of such fine was paid, and how much, the amount of costs taxed, and for what purposes, and whether paid or not, the date of the judgment, and the name of the person against whom ren-

dered, with the final disposition of each case by the magistrate, or justice, before whom the complaint was brought, or disposed of; and all such officers shall, also at the same time, make report, of all fines and penalties, collected from the date of their last report, on all prior judgments.

## ARTICLE 40.

### POOL SELLING.

#### Section.

1786. Pool Selling Prohibited — Penalty—  
Exception.

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#### **1786. Pool Selling Prohibited—Penalty—Exception.]**

§ 1. That any person, or corporation, who keeps any room, shed, tenement, tent, booth or building, or any part thereof, or who occupies any place upon any public or private grounds, within the city of Peoria, with any book, instrument or device for the purpose of recording or registering bets or wagers, or of selling pools, or any person who records or registers bets or wagers, or sells pools upon the results of any trial or contest of skill, speed or power of endurance of man or beast, or upon the result of any political nomination, appointment, or election, or, being the owner, lessee, or occupant of any room, shed, tenement, tent, booth or building, or part thereof, knowingly permits the same to be used or occupied for any of these purposes, or therein keeps, exhibits, or employs any device or apparatus for the purpose of recording or registering such bets or wagers, or selling of such pools, or becomes the custodian or depository for hire, or privilege, of any money, property, or thing of value staked, wagered or pledged upon any such result, shall be fined in a sum not less than fifty dollars, nor exceeding two hundred dollars: *Provided, however*, that the provisions of this ordinance shall not apply to the actual enclosure of fair or race track associations,

that are incorporated under the laws of the state, during the actual time of the meetings of said associations, or within twenty-four hours before any such meetings.

## ARTICLE 41.

### PORTERS AND RUNNERS.

#### Section.

1787. Porters to be Licensed.

1788. License Fee.

1789. Must Wear Badge.

1790. Fees of Public Porters.

1791. Runners for Hotels—License—  
Badge.

#### Section.

1792. Wrongfully Wearing Badge.

1793. Misconduct—Penalty.

1794. Mayor may Revoke License.

1795. City Clerk to Record Revocation.

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**1787. Porters to be Licensed.] § 1.** That no person shall act as public porter in said city, for the carriage of any goods, wares, merchandise, or other thing for hire, either with, or without a wagon, hand-cart, wheel-barrow, or other vehicle drawn or propelled by hand, without first having obtained a license for that purpose as hereinafter provided, under a penalty of not less than five dollars, nor more than fifty dollars, for every offense.

**1788. License Fee.] § 2.** Licenses may be issued under this article to good citizens, over twenty-one years of age, for one year, for the sum of three dollars.

**1789. Must Wear Badge.] § 3.** No public city porter shall convey any goods, wares, merchandise or other thing for hire, without wearing a badge conspicuously in front of his hat, cap or breast, with the words "city porter" and the number of his license plainly painted or engraved thereon in legible characters, each character or letter to be not less than one inch in length; and any city porter, who shall, in any case fail to wear such badge, or who shall suffer or permit any other person than himself to wear the same, or to carry any article intrusted to him, either by hand or in his wheel or hand-barrow, or hand-cart, shall be subject to a fine of not less than five dollars, nor more than fifty dollars, for every offense.

**1790. Fees of Public Porters.** § 4. Public porters shall be entitled to the following fees or charges for their services, to-wit: For carrying or conveying each trunk or package the distance of four blocks, or less, the sum of twenty-five cents; and for all distances over four blocks, and not exceeding eight blocks, the sum of thirty-five cents; all distances in excess of eight blocks, fifty cents. And if any city porter shall demand, charge or receive any greater sums than are herein allowed, he shall forfeit and pay not less than two dollars, nor more than twenty-five dollars, for every offense; and the police magistrate before whom the trial is had, may, in his discretion, enter up, as a part of the judgment, the forfeiture of his license.

**1791. Runners for Hotels—License—Badge.]** § 5. No person shall act as runner or porter for, or in any manner solicit or ask the patronage, or custom of any traveler or other person, or for any public house or hotel, steamboat, canal-boat, railroad, hackney-carriage, omnibus, or public conveyance or transportation company, at any railroad depot or station, steamboat or canal-boat landing, or any other place in said city, other than at the house or hotel, depot, station or landing, or the usual place of business of the person or persons, company or corporation by whom he shall be employed, until he shall first obtain a license for that purpose as herein provided; and unless he shall also, when so acting as runner or porter, or soliciting custom, or patronage, wear conspicuously in front of his hat, cap or breast, a badge with the name of the house, road, company or line of conveyance for which he is acting, and the number of his license, plainly painted, or engraved thereon, in legible characters, each character or letter to be at least one inch in length; and any person violating any of the provisions of this section shall forfeit and pay not less than five dollars, nor more than fifty dollars, for every offense.

**1792. Wrongfully Wearing Badge.]** § 6. Any licensed porter, or runner mentioned in the preceding section who shall



suffer or permit any other person to wear his badge, and any person not licensed as a porter or runner under this article, who shall wear the badge of a licensed porter or runner, shall forfeit and pay not less than five dollars, nor more than fifty dollars, for every offense.

**1793. Misconduct—Penalty.]** § 7. Any porter or runner who shall, at any time or place, when engaged in his employment, make use of any indecent, profane or boisterous language, or be guilty of loud talking, hallooing or any disorderly conduct, or shall vex, disturb, deceive, or importune strangers, travelers, or citizens, or shall refuse to observe and obey any order or direction of the mayor, superintendent of police, policeman, magistrate, alderman, or other conservator of the peace in said city, at any railroad termination, depot, steamboat or other landing or place, shall forfeit and pay not less than five dollars, nor more than fifty dollars for every offense; and the magistrate before whom the trial is had may, in his discretion, enter up, as a part of the judgment, the forfeiture of his license.

**1794. Mayor May Revoke License.]** § 8. That in all cases where licenses have heretofore been issued, or that may hereafter be issued, to porters or runners, the mayor is hereby authorized and empowered to revoke all such licenses whenever he may deem it to the interest of said city so to do, and that in case of such revocation no part of the amount paid by such porter or runner for his license shall be refunded.

**1795. City Clerk to Record Revocation.]** § 9. When any such license has been revoked, the city clerk shall enter such revocation on the register of licenses, opposite the name of such licensed person, and the date of such revocation, and he shall notify such porter or runner of such revocation.

## ARTICLE 42.

## POUND.

## Section.

- 1796. Domestic Animal—Unlawful to Run at large—Penalty.
- 1797. Pound Keeper—Office created—Appointment.
- 1798. Under Superintendent of Police—Keeper of Dog Pound.
- 1799. Pound Keeper's Bond.
- 1800. Pound Keeper's Duty.
- 1801. Policemen—Duty.
- 1802. Who may Impound.
- 1803. Sustenance for Animal—How Provided.
- 1804. Fees for Impounding.
- 1805. Redemption of Animal.
- 1806. Proceeding as to Impounded Animal
- 1807. Proceeding—Unknown Owner—Notice.
- 1808. Justice's Docket—Entry.

## Section.

- 1809. Trial by Jury.
- 1810. Execution on Judgment—Form of.
- 1811. Sale—Notice—Form of.
- 1812. Adjourning Sale—Sale Without Notice—Penalty.
- 1813. Purchase prohibited.
- 1814. Sale—Proceeds of.
- 1815. Breaking Pound.
- 1816. Obstructing taker-up of animal—Penalty.
- 1817. Unlawful taking up to impound—Penalty.
- 1818. Books of account—Monthly adjustment.
- 1819. Monthly Report—Fees to be paid over.
- 1820. Keeper—No perquisites.
- 1821. Keeper—Removal of—When.

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**1796. Domestic Animal—Unlawful to Run at Large—Penalty.]** § 1. It shall be unlawful for any domestic animal of the species of horse, mule, sheep, cattle, swine, goat, goose, or chicken, to run, or go at large, at any time, within the corporate limits of the city of Peoria, and any person, being the owner, possessor, or keeper of any such animal or animals, who shall knowingly suffer or permit the same to go, or run at large in said city, in violation of this section, shall be subject to a penalty of one dollar for each and every animal so permitted to run or go at large, together with the fees for impounding, and the expense of sustenance for such animal or animals when impounded, as hereinafter provided.

**1797. Pound Keeper—Office Created—Appointment.]** § 2. There is hereby created the office of pound keeper, who shall hold his office for the term of two years and until his successor shall be appointed and qualified; he shall be appointed by the mayor, by and with the advice and consent of the city council, on the first Tuesday in May, 1892, or as soon thereafter as may be, which appointment shall be for the term

of one year and until his successor is appointed and qualified; and thereafter the appointment shall be made on the first Tuesday in May, 1893, or as soon thereafter as may be, and biennially thereafter.

**1798. Under Superintendent of Police—Keeper of Dog Pound.]** § 3. Said pound keeper shall also be the keeper of the dog pound; and he shall at all times be under the orders, control and direction of the superintendent of police.

**1799. Pound Keeper's Bond.]** § 4. The pound keeper shall, before entering upon the duties of his office, execute a bond to the city of Peoria, in the sum of five hundred dollars (\$500), with sureties to be approved by the city council, conditioned for the faithful performance of the duties of his office, and the payment to the city of all moneys coming into his hands.

**1800. Pound Keeper's Duty.]** § 5. It shall be the duty of the pound keeper to take up and impound any animal, known by him to be running at large within said city, contrary to any ordinance of the city.

**1801. Policemen—Duty.]** § 6. It shall be the duty of the superintendent of police, and of every member of the police force, to take up any and every animal, known by him to be unlawfully at large, within the city, contrary to any ordinance, and to confine the same in the city pound.

**1802. Who May Impound.]** § 7. Any person inconvenienced, or injured, or who may be in danger of being injured, either in person or property, by reason of the unlawful running at large in the city of any animal, contrary to any ordinance, may take and drive such animal to the city pound, and it shall be the duty of the pound keeper to receive and impound the same.

**1803. Sustenance for Animal—How Provided.]** § 8. The pound keeper, under the direction and control of the su-

perintendent of police, shall provide suitable and necessary food and drink for all such animals as may be taken up and impounded, during the time they may be so impounded.

**1804. Fees for Impounding.]** § 9. There shall be charged for each animal impounded, an impounding fee of fifty cents, and also fifty cents for each day, or part of a day, for providing sustenance for each animal impounded.

**1805. Redemption of Animal.]** § 10. At any time before the sale of any animal, or animals, impounded, the owner, or owners thereof, may redeem the same by paying to the pound keeper the penalty of one dollar, together with the impounding fee and costs of sustenance, as prescribed in the last section, and in case proceedings shall have been instituted before a judicial officer, the costs of such proceedings, and the amount of the judgment, if judgment shall have been recovered, together with subsequently accrued costs of sustenance, shall be the redemption money to be paid.

**1806. Proceeding as to Impounded Animal.]** § 11. When any animal, or animals shall be impounded as aforesaid, it shall be the duty of the keeper of the pound forthwith to make complaint before the police magistrate, or some justice of the peace of the said city, against the owner, or owners of such animals, if known, and thereupon a warrant shall be issued, and upon the return thereof executed, or the defendant having appeared, it shall be the duty of the justice, or police magistrate, to inquire whether the defendant has been guilty of a violation hereof; and, if the defendant be found guilty, judgment shall be rendered against him for the penalty, impounding fee, and cost of sustenance herein prescribed, and costs of suit, and an order shall be entered that the animal, or animals, shall be sold to satisfy said judgment, in case the same shall not be paid forthwith. Such order shall describe the animal, or animals, and state the time and place of impounding.

**1807. Proceeding—Unknown Owner—Notice.] § 12.** When the owner of any animal impounded shall be unknown, it shall be the duty of the pound-keeper, when the same shall be impounded, to make complaint, as provided in the last section, against the unknown owner, or owners of such animal, describing the same, and thereupon the officer, before whom such complaint shall be made, shall issue a notice in substance as follows, to-wit:

WHEREAS, complaint has this day been made before me that the unknown owner, or owners, of the following described animals, to-wit: .....  
 .....impounded at.....on the  
 ..... day of..... A. D. 18 , has permitted the same to run at large, contrary to the provisions of the ordinances of the city of Peoria: Now, therefore, notice is hereby given that a trial will be had upon the said complaint at my office in the city of Peoria, on the ..... day of ..... A. D. 18., at the hour of..... M., when and where the unknown owner, or owners, may appear and defend, if he, she, or they see fit to do so.

Witness my hand and official seal, this ..... day of.....  
 A, D. 18..

[L.S.]

.....

J. P. or P. M.

The day named in said notice for trial shall not be less than five, nor more than ten days, from the date of issuing the same, and it shall be the duty of the pound-keeper, forthwith, to post three copies of said notice, one at the pound, one at the office of the justice, or police magistrate issuing the same, and one at the city hall, in said city, and to return the said notice, with the time and manner of said posting.

**1808. Justice's Docket—Entry.] § 13.** The justice or police magistrate issuing said notice shall enter the cause upon his docket, as follows, to-wit:

The City of Peoria vs. the Unknown Owner, or Owners of (here specify the animals).

And upon the return of the notice prescribed in the last section, like proceedings shall be had as in the case of personal service or appearance.



**1809. Trial by Jury.] § 14.** In all trials for violation of this ordinance, the accused shall have the right of trial by jury, and in proceedings against unknown owner, or owners, the trial must be by jury.

**1810. Execution on Judgment—Form of.] § 15.** Upon the rendition of judgment, the justice of the peace, or police magistrate rendering the same, shall issue to the keeper of the pound an order, which shall be in the following form, as nearly as may be:

THE PEOPLE OF THE STATE OF ILLINOIS,

To ..... Pound-keeper:

We command you, that of the following described goods and chattels, to-wit: ....., the property of ....., you make the sum of ..... dollars and ..... cents costs, which the City of Peoria recently recovered before me against the said.. .., and hereof make due return.

Given under my hand and seal, this the..... day of ....., A. D. 18...

[L.S.] .....

J. P. or P. M.

**1811. Sale Notice—Form of.] § 16.** Upon the receipt of such order, the pound-keeper shall immediately post three notices, in like places as provided in section twenty of this article, in substance as follows:

Taken up and impounded in the city pound of the City of Peoria at. ...., the following described animals: ....., which, unless redeemed, will be sold at public auction, for cash, to the highest bidder, at said pound, at the hour of.....o'clock in the forenoon, on the..... day of....., 18....

.....,

Pound-keeper.

The day of the sale mentioned in said notice shall be the third day after posting the same, exclusive of Sundays, holidays and election days, and if said animal, or animals are not redeemed, the pound-keeper shall sell the same, in accordance with said notice.

It shall be the duty of the pound-keeper, on receiving the order as prescribed in section twenty-three of its article, to return the same within twenty days from its date, to the officer issuing the same, with endorsement showing when and how the same was executed.

**1812. Adjourning Sale—Sale Without Notice—Penalty.]** § 17. Said pound-keepers may, for want of bidders, or for other sufficient cause, adjourn any such sale from day to day until the same shall be completed. If he shall sell any animal without giving the notice above prescribed, he shall incur a penalty of not less than ten dollars, nor more than one hundred dollars for each and every offense.

**1813. Purchase Prohibited.]** § 18. No person shall purchase, or be interested, directly or indirectly, in the purchase of any animal taken up, impounded, or sold by him under the provisions of this article, under a penalty of not less than twenty-five dollars, nor more than one hundred dollars, for each animal, and, if the poundkeeper, the forfeiture of his office.

**1814. Sale—Proceeds of.]** § 19. When the proceeds of the sale of any animal or animals, shall exceed the amount of judgment and costs and the expense of sustenance which shall have accrued subsequently to the rendition of the judgment, and such excess shall have been paid to the city treasurer, the owner or owners of such animal or animals shall be entitled to a warrant on the city treasurer for such excess, upon presenting to the city treasurer satisfactory evidence of his right thereto.

**1815. Breaking Pound.]** § 20. If any person shall break open, or in any manner, directly or indirectly, aid or assist in, or counsel or advise, the breaking open of the city pound, he shall forfeit and pay a penalty of twenty dollars.

**1816. Obstructing Taker of Animal—Penalty.]** § 21. No person shall hinder, delay, or obstruct any person engaged

in taking to the city pound any animal or animals liable to be impounded, under a penalty of not less than five dollars, nor more than ten dollars, for each animal so being taken.

**1817. Unlawful Taking Up to Impound—Penalty.]**

§ 22. Any person who shall take or drive any such animal<sup>1</sup> from any inclosed lot or tract of ground, or from any stable or other building, or from outside the pound limits, into the limits of the city, or with the intent that such animal may be impounded, shall be liable to a fine of not less than five dollars, nor more than twenty dollars, for every animal so driven or taken from the place, or places, aforesaid.

**1818. Books of Account—Monthly Adjustment.] § 23.**

It shall be the duty of the pound-keeper to keep such books, and in such manner as the city comptroller shall direct, which shall show all the receipts and expenditures of and for the city pound; and the comptroller shall, at least once a month, audit and adjust the accounts of said pound keeper.

**1819. Monthly Report—Fees to be Paid Over.] § 24.**

The pound keeper of said city shall, at the end of each month, pay to the city treasurer, all moneys received by him over and above the necessary expenditures for the maintenance of the pound during the month, by virtue of his office of pound keeper, and shall, at the end of each month, render to the comptroller, a full statement, under oath, of all animals received into the pound during such month, describing the same, with the names of owners, if known, the dates when received respectively, of the animals redeemed and the date of redemption, of those sold, and the time of sale, and of all moneys received by him during said month for the redemption, or upon the sale of animals, or otherwise, as pound keeper, and of all moneys expended by him in the maintenance of the pound, and shall attach to said statement receipts for all such moneys. The pound keeper shall also keep a record, in which he shall

enter, from time to time as they occur, all matters required to be shown in such statements, and in which he shall cause to be written the receipts of owners of animals redeemed.

**1820. Keeper—No Perquisites.]** § 25. No pound keeper shall receive any other compensation or perquisite than his salary, which shall be fixed by the city council in the annual appropriation bill, but, in case any member of the police force is appointed such pound keeper, this proviso shall not be so construed as to affect his right to compensation or pay as such member of the police force.

**1821. Keeper—Removal of—When.]** § 26. Every pound keeper shall be subject to removal from office by the mayor whenever he shall deem the interests of the city require such removal.

## ARTICLE 43.

### SALOONS.

#### Section.

- 1821. License—Penalty.
- 1822. Mayor to Grant License—Number and Location of.
- 1823. License—Requirements—Bond.
- 1824. License — What to Contain — How Transferred.
- 1825. Licenses—Term of—Fee for—Permits to Pharmacists — Term of — Fee for.
- 1826. License to be Posted—Penalty.
- 1827. Saloon—How to be Conducted — Penalty.

#### Section.

- 1828. Selling, Etc., to Habitual Drunkard —Penalty.
- 1829. Selling to Minors—When Authorized —Penalty.
- 1830. Closing Saloon—by Proclamation of Mayor—Penalty.
- 1831. Saloons—Mayor and Policemen may Enter—Penalty.
- 1832. Pharmacists Selling, Etc.—Less than Gallon—Penalty.
- 1833. Licenses—How to be Issued, Etc.—Fee for—To Whom Paid.
- 1834. Expiration of License—Clerk to Report to Council.

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**1822. License—Penalty.]** § 1. That it shall not be lawful for any person in said city, either by himself, herself, or agent, nor for any agent, barkeeper, clerk, or servant of another person, to sell, or retail in any less quantities than one gallon, any spirituous, vinous, or malt liquors, nor keep what is termed by the laws of this State a dram shop, without first having obtained a license so to do, as hereinafter provided.

Nor shall it be lawful for any person to sell any of said liquors by the gallon, or by any greater quantity, and suffer, or permit the same, or any portion thereof, to be drank in, or about his or her house, store, shop, place of business, or premises; but when sold by the gallon, or in greater quantities, the same shall be carried, or taken away all at one time; and any person violating any of the provisions of this section, whether principal, agent, barkeeper, clerk, or servant as aforesaid, shall, upon conviction, forfeit and pay not less than twenty-five dollars, nor more than one hundred dollars, for every offense.

**1823. Mayor to Grant License to—Number and Location of.]** § 2. Subject to the limitations and restrictions hereinafter set forth, the mayor of the city of Peoria, shall, from time to time, grant licenses for the keeping of dram shops within the city of Peoria, to any person who shall apply to him, in writing, upon such person furnishing sufficient evidence, to satisfy him, that he, or she, is a person of good moral character, and upon such person executing a bond to the city of Peoria, as herein required: *Provided*, that no license for the keeping of any dram shop, shall be granted to any person, or persons, for the location of any dram shop, in that part of any block in the city of Peoria, on which any religious, educational, reformatory, or eleemosynary institution may now, or hereafter exist, and *Provided*, further, that the mayor may, in his discretion, refuse to grant such license to any applicant, and in such case the person so aggrieved shall have the right to present his application for such license, to the city council, at any regular meeting thereof, and if the council shall determine, by a two-thirds vote of all the aldermen authorized by law to be elected, that a license to keep a dram shop shall issue to such applicant, it shall be the duty of the mayor, upon the applicant complying with the requirements of this ordinance, to grant a license, to any such applicant accordingly.

**1824. License—Requirements—Bonds.** | § 3. Subject to the provisions of the preceding section, the person apply-



ing for such license shall, in addition to a full compliance with all the other provisions of this article, procure the written consent of a majority in feet front of all the owners of the real estate in the block fronting on the street or alley where he proposes to carry on his business, and said applicant shall also first give bond to the city of Peoria, with good security in the penal sum of five hundred dollars, to be approved by the mayor which bond shall embrace all the prohibitions and conditions set forth in this article, and the breach of any of the conditions of said bond shall work a forfeiture of the penalty thereof, the amount of which shall be recoverable in an action of debt; and such applicant shall further give bond as is or may be required by the laws of the State of Illinois, and no person having a license to sell any of said liquors, or who is about to apply for such license, shall be received as security on the bond of any other person required under this chapter to give bond.

**1825. License—What to Contain—How Transferred.]**

§ 4. The license issued under this article shall set forth the name of the person licensed, the place where said liquors are proposed to be sold, and the terms and conditions upon which said license is granted, as required in the bond of the applicant, and said license shall not authorize such person to sell any of said liquors at any other, or different time or place, nor upon any other terms or conditions than such as are stated therein, and said license shall not be transferred from one person to another, nor from one place to another place in said city, unless by consent of the mayor, and upon condition that the person to whom the same is transferred, or the person applying for the transfer from one place to another, shall first comply with all the requirements of section three of this article, the same as though the license had been originally issued to him to sell liquors at a particular place, and he shall have such transfer registered in the office of the city clerk.

**1826. Licenses—Term of—Fee for—Permits to Pharmacists—Term of—Fee for.]** § 5. Upon compliance by

the applicant, with the foregoing provisions of this article, licenses may be granted to sell and retail said liquors in this city upon the following terms and conditions, to-wit: For the term of one year for the sum of five hundred dollars, payable in advance: *Provided*, permits to pharmacists may be granted for the sale of liquor for medicinal, mechanical, sacramental and chemical purposes only, for the term of one year upon the payment in advance of the sum of twenty-five dollars, upon the filing of a good and sufficient bond in the sum of five hundred dollars with security, to be approved by the mayor.

**1827. License to be Posted—Penalty.]** § 6. That every person who shall obtain a license under this article shall at all times keep the same hung or posted up in some conspicuous place in his bar-room, or other place of business, where said liquors are sold; and any person failing, or neglecting to comply with this section, shall forfeit and pay not less than ten dollars, nor more than twenty-five dollars, for every offense.

**1828. Saloon—How to be Conducted—Penalty.]** § 7. That any person who may obtain a license from said city to sell any of said liquors, or to keep a dramshop, shall not be permitted to keep his or her house, shop or place, for the sale of said liquors, open and accessible from twelve o'clock p. m. on each and every Saturday until five o'clock a. m. on each and every next succeeding Monday, nor suffer or permit any person to frequent the same between said hours, or drink any of said liquors, whether they pay for the same or not; nor shall any person licensed to sell said liquors under this ordinance be permitted to keep his house, shop or place where he sells said liquors open and accessible between twelve o'clock p. m. and five o'clock a. m. during the balance of the week; nor shall any person licensed to sell said liquors, suffer or permit any gambling, or riotous, disorderly, indecent or offensive conduct of any kind whatever to be practiced in or about any

premises occupied by him for the purpose of selling said liquors; nor shall it be lawful for any person so licensed to sell or give away any of said liquors to any minor, without the written consent of his or her parent or guardian, nor to suffer any minor to drink any of said liquors in or about his premises, nor to permit any minor to frequent, remain at, be harbored about, or to play at any game whatever, in or about, any premises, where he or she may be licensed to sell said liquors; and every person convicted of any of the offenses enumerated in this section shall forfeit and pay a sum not exceeding one hundred dollars for every offense; and the magistrate before whom the trial may be had may, in his discretion, enter up as a part of the judgment a forfeiture of the license, and the person so convicted shall not again be licensed to sell any of said liquors.

**1829. Selling, Etc., to Habitual Drunkards—Penalty.]**

§ 8. It shall not be lawful for any person, or persons in said city, to sell or give away any of said liquors to any person who is drunk or intoxicated, or who is an habitual drunkard, nor to suffer nor permit any such person to drink any of said liquors in or about their house, shop, saloon or premises; and any person violating this section, shall forfeit and pay not less than twenty-five dollars, nor more than one hundred dollars, for every offense; and if the person convicted has a license from said city to sell said liquors, the magistrate before whom the trial is had shall enter up as a part of the judgment a forfeiture of such license.

**1830. Selling to Minors—When Authorized—Penalty.]**

§ 9. No minor, except with said written consent required by law, nor any habitual drunkard or intoxicated person shall drink any beer, wine, whiskey, or other intoxicating liquor in or about, or loiter, or remain in or around, any saloon, dram shop, grocery, or other place within said city where intoxicating or malt liquors are sold or kept for sale, under a penalty in each case of not exceeding twenty-five dollars.

**1831. Closing Saloon—By Proclamation of Mayor—Penalty.]** § 10. In all cases where, in the opinion of the mayor or city council, the public peace is likely to be endangered by the keeping open of such licensed dram shops, it shall be lawful for the mayor to issue his proclamation under the seal of the city, commanding and enjoining all persons so licensed by said city, and their servants and agents to close their shops and places of business for such time as the said mayor, or city council may deem necessary, and neither to sell, give away, or suffer to be drank any of said liquors in or about their premises during the time mentioned in said proclamation; and if any person shall disobey said proclamation by keeping open such dram shop, or by selling, giving away, or suffering to be drank, in or about his premises, any of said liquors, he or she shall forfeit and pay the sum of one hundred dollars, and the magistrate shall enter up as part of the judgment a forfeiture of his or her license.

**1832. Saloons—Mayor and Policemen May Enter—Penalty.]** § 11. All Persons licensed to sell liquors aforesaid, shall be required to permit the mayor or any police officer of said city, to enter their premises at any time such mayor or officer may deem proper in the discharge of any duty imposed upon them by the laws of the State, or the ordinances of said city; and if any person licensed to sell liquors as aforesaid shall refuse to permit the mayor or any police officer to enter upon his or her premises as aforesaid, he or she shall, on conviction, forfeit and pay not less than twenty-five dollars, nor more than one hundred dollars, for every offense.

**1833. Pharmacist Selling, Etc.—Less than Gallon—Penalty.]** § 12. Any pharmacist obtaining a permit for the sale of liquors for medicinal, mechanical, sacramental and chemical purposes only, who shall sell or give away spirituous, vinous or malt liquors in any less quantity than one gallon

for other than the purposes above stated, shall, upon conviction, forfeit and pay for each offense not less than twenty-five dollars, nor more than one hundred dollars.

**1834. Licenses—How to be Issued, Etc.—Fee for—To Whom Paid.]** § 13. All licenses granted under the provisions of this article shall be signed by the mayor, attested under the seal of the city by the city clerk, and countersigned by the city comptroller, and no such license shall become operative that shall be issued in any other manner. The fee for such licenses shall be payable to the city clerk.

**1835. Expiration of License—Clerk to Report.]** § 14. It shall be the duty of the clerk to report to each regular meeting of the city council the names of all persons whose licenses have expired.

## ARTICLE 44.

### SCAVENGER.

#### Section.

- 1836. Scavenger Must be Licensed.
- 1837. License Fee—Bond.
- 1838. Removal of Night Soil—Penalty.
- 1839. Permit to Remove Night Soil—Penalty.
- 1840. Permit—Contents of.
- 1841. Scavenger to Make Report—Penalty.
- 1842. Time of Opening Vaults—Removing Contents—Penalty.
- 1843. Signs on Scavenger Wagons.
- 1844. Night Scavengers—Compensation.

#### Section.

- 1845. Offensive Vault—Notice to Owner—Work Done by City—Expense, How Paid—Penalty.
- 1846. Penalty.
- 1847. Removal of Garbage, Etc. — Day Scavengers—How Employed.
- 1848. Day Scavenger—Must Have License—Fee for.
- 1849. Bond to be Given.
- 1850. Violation of Ordinances, and Regulations by—Penalty.

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**1836. Scavenger—Must be Licensed.]** § 1. The mayor of the city shall, from time to time, grant licenses to any person, company, or corporation, to engage in the business of emptying, cleaning, or removing the contents of privy vaults, cesspool or sink, and every such person, company, or corporation, engaged in such business, shall be deemed a night scavenger within the meaning of this article.



**1837. License Fee—Bond.]** § 2. Every person, company or corporation, applying for such license, shall, before the same issues, pay to the city clerk, the sum of five dollars per annum, for each and every wagon used by such person for scavenger work, and execute a bond, with not less than two sureties, to be approved by the mayor, conditioned that said scavenger will comply with the provisions of this article, and the ordinances of the city which now exist or may hereafter be passed by the city council, touching said occupation, and will also comply with and obey the directions and regulations of the commissioner of health of the city, made in pursuance of law.

**1838. Removal of Night Soil—Penalty.]** § 3. No person, company, or corporation, within the city of Peoria, shall empty, clean, or remove the contents of any privy vault, cesspool or sink, or engage in the business of night scavenger, without having first obtained a license so to do. Any person violating the foregoing provisions of this section, shall, upon conviction, forfeit and pay not less than five dollars, nor more than twenty-five dollars, for each offense: *Provided*, that the owners, occupants, or agents of any premises upon which vaults are located within the city limits, desiring to clean and remove the contents thereof themselves, without the aid of night scavengers, may be allowed to do so upon the written permission of the health commissioner, and then only in the manner directed in such permit.

**1839. Permit to Remove Night Soil.]** § 4. No person, company or corporation within the city of Peoria, shall remove or cause to be removed the contents of any privy vault, cesspool or sink, without first having obtained a permit from the health commissioner. Any person, company or corporation violating this provision, shall, upon conviction, be subject to a penalty of not less than five dollars, nor more than twenty-five dollars, for each offense.

**1840. Permit—Contents of.]** § 5. Every such permit shall give the name of the scavenger, describe the premises where the work is to be done, designate the hour when such work may be commenced, and when (if not finished) it shall be suspended, and state where the contents thereof shall be deposited.

**1841. Scavenger to Make Report—Penalty.]** § 6. Every scavenger shall make return to the commissioner of health, of every permit issued to him, within two days after the work shall have been performed, certifying to the number of yards, or loads removed from the vault, or vaults, designated in such permit, and the place where the same was deposited. Every person violating the provisions of this section, shall, upon conviction, be subject to a penalty of not to exceed ten dollars for each violation thereof.

**1842. Time of Opening Vaults—Removing of Contents—Penalty.** § 7. No privy vault, cess pool, or sink, shall be opened, nor the contents thereof disturbed, or removed, between the hours of five o'clock a. m. and ten o'clock p. m., of any day, nor shall such contents be deposited, or buried within the city, except upon the written permission of the health commissioner of the city, and in such manner and place as he shall therein direct. Any person, company, or corporation, engaged in such business, who shall violate the directions of the health commissioner, contained in any such permit, shall immediately forfeit their license, and shall also be subject, upon conviction, to a penalty of not less than ten dollars, nor more than one hundred dollars.

**1843. Signs on Scavenger Wagons.]** § 8. Scavengers, who engage in the business of removing the contents of privy vaults, cess pools, or sinks, shall cause to be painted upon the sides of their wagon box, used in such business, the words, "Licensed Scavenger," and immediately beneath such words shall be painted the number of their license. Such words and

figures shall be painted on all such wagon boxes, in large letters and figures, and in such manner as to render them most conspicuous, and the number to be used shall be given in the license.

**1844. Night Scavengers—Compensation.]** § 9. Night scavengers shall be allowed to charge and receive, for each load of night soil, of not less than twenty-seven cubic feet so by any such scavenger taken and removed from any privy vault, cess pool, or sink, a sum not exceeding three dollars.

**1845. Offensive Vault—Notice to Owner—Work Done by City—Expense How Paid—Penalty.]** § 10. Whenever, in the opinion of the health commissioner, any privy vault, cess pool, or sink, shall be offensive and need cleaning, it shall be his duty to notify the owner, agent or occupant of the premises to which any such vault belongs, to cleanse the same within the time, and in the manner set forth in said notice, and unless the person so notified shall comply within the time and in the manner mentioned in said notice, it shall be the duty of said officer to cause said vault to be cleaned by one or more of the city scavengers aforesaid, and any person so failing to comply with such notice, shall, on conviction, be subject to a fine of not less than ten dollars, nor more than fifty dollars, for each offense, and in addition thereto, shall be liable to the city for the expenses of such cleaning.

**1846. Penalty.]** § 11. Any person who shall engage in business as night scavenger, or who shall undertake to remove the contents of any privy vault, cess pool or sink, within the city, without a license, or permit, as aforesaid, shall on conviction thereof, be subject to a penalty of not less than ten dollars, nor more than fifty dollars, for each offense, and any night scavenger as aforesaid, and any owner, agent or occupant, as aforesaid, acting under license or permit, as aforesaid, who shall refuse, or fail to comply with any order, or direction of the health commissioner, or who shall violate any

of the provisions of this article, where no other penalty is prescribed, shall, on conviction, be subject to a penalty of not less than five dollars, nor more than fifty dollars, for each offense, and any scavenger aforesaid shall, also, at the discretion of the mayor of the city, forfeit his license.

**1847. Removal of Garbage, Etc.—Day Scavengers—How Employed.]** § 12. The city council may, from time to time, authorize the health commissioner to employ such number of suitable persons as they may deem necessary, and upon such terms, and with such appliances and conveyances as they shall deem proper and suitable for the removal of garbage, offal, swill, ashes, etc., and every person so employed shall be deemed a day scavenger.

**1848. Day Scavenger—Must Have License—Fee for.]** § 13. No person shall engage in the business, or employment of day scavenger, as aforesaid, without first having obtained a license so to do. And the mayor shall, from time to time, grant licenses therefor, to any suitable person or persons, upon payment to the city clerk, by the applicant, of a fee of five dollars for each and every wagon, or other means of conveyance, used by such person for scavenger work.

**1849. Bond to be Given.]** § 14. The person so licensed shall also file a bond, with two or more sureties, to be approved by the mayor, conditioned that he will conduct said business in a manner at all times subject to the rules and regulations of the health department and the ordinances of the city.

**1850. Violation of Ordinances and Regulations by—Penalty.]** § 15. Every person so licensed as day scavenger, as aforesaid, who shall, in the conduct of such business, violate any of the ordinances of the health department, or who shall, in the conduct of such business, refuse, or fail to comply with the rules and regulations of said department, or who shall violate any ordinance of the city where applicable, shall, for each offense

be subject to a penalty of not less than five dollars, nor more than fifty dollars, for each offense, and upon conviction his license may be forfeited, in the discretion of the mayor.

## ARTICLE 45.

### SEAL.

#### Section.

1851. Description, Etc., of.

1852. Fac Simile of Seal.

#### Section.

1853. Custody—Use of.

**1851. Description, Etc., of.] § 1.** That a seal in a circular form, with the words “City of Peoria, Illinois,” on the outer circle, and in the interior and center of said circle the words “Chartered A. D., 1845,” shall be the seal of the city of Peoria, to be used in all cases that have been, or shall hereafter be provided by the laws of the United States, the laws of the several respective States of the United States, and the ordinances of the said city of Peoria, and in all the cases in which, by the laws and customs of nations, it is necessary to use a seal by a corporation.

**1852. Fac Simile of Seal.] § 2.**



**1853. Custody—Use of.] § 3.** The city seal shall be and remain in the custody of the clerk of said city, to be used by the clerk and the mayor of said city, as is provided in the preceding section of this article.



## ARTICLE 46.

## SECOND HAND DEALERS AND KEEPERS OF JUNK SHOPS.

## Section.

- 1854. Second-Hand Dealers—License Required.
- 1855. License—How Granted—Fee.
- 1856. Bond.
- 1857. Record of Purchases—Penalty.
- 1858. Minors—Purchase from Prohibited—Penalty.
- 1859. Pawnbroker's License Not to Issue to
- 1860. License Revocable.
- 1861. Junk Dealers Must Have a License—Place of Business.

## Section.

- 1862. License—How Granted—Fee.
- 1863. Bond—Purchase by.
- 1864. Prohibited—When.
- 1865. Record of Purchases.
- 1866. Minors—Purchase from Prohibited—Hours of Business.
- 1867. Removals of Place of Business.
- 1868. License Not Transferable.
- 1869. Penalty.

**1854. Second-Hand Dealers—License Required.] § 1.** No person shall use, exercise or carry on the trade or business of a dealer in second-hand furniture, household goods, or other articles without being first specially licensed for such business, nor shall any person so licensed as aforesaid, carry on any such trade or business at any other place within the city than at the place designated in such license.

**1855. License—How Granted—Fee.] § 2.** The mayor shall from time to time, grant licenses to such persons as shall produce to him satisfactory evidence of good character, to exercise or carry on the business of dealing in the purchase and sale of second-hand furniture, clothes, or other articles, upon payment by the person licensed to the city clerk, of a license fee of twenty-five dollars, and all licenses granted under the provisions of this section shall be for the term of one year only.

**1856. Bond.] § 3.** Every person making application for such a license, shall, before the same is granted, enter into a bond with the city of Peoria, in the sum of five hundred dollars, with two or more sureties, to be approved by the mayor, conditioned for the due observance of all ordinances of the city of Peoria, that may be in force, or passed, respecting dealers in second-hand articles during the period for which said license is granted.

**1857. Record of Purchases—Penalty.] § 4.** Every such dealer shall keep a book in which shall be entered and kept in the English language a record of the purchases of any article, or thing, in the way of his or her business, the date of the purchase, an accurate description of the article, the price paid therefor, and the name and place of residence of the person, or persons, from whom such purchase was made, and such book, or record, shall at all reasonable times be open to inspection to the mayor and to any member of the police force, of said city. And every such dealer purchasing any article, or thing, from any person, or persons, without first having obtained the name and place of residence of any such person, or persons, shall, for each and every offense, be subject to a penalty of not less than ten dollars, nor more than one hundred dollars, and in addition to such penalty his, or her, license may be revoked, in the discretion of the mayor.

**1858. Minors—Purchase From Prohibited—Penalty.] § 5.** It shall not be lawful for any person having a license from said city to keep a second-hand store, to purchase or receive from minors without the written consent of their parents, or guardians, any article of property whatever; and any person violating this section shall forfeit and pay not less than twenty-five dollars, nor more than one hundred dollars, for every offense; and the magistrate before whom the trial is had, may, in his discretion, enter up, as a part of the judgment, the forfeiture of the license.

**1859. Pawnbrokers—License Not to Issue to.] § 6.** No person so licensed as aforesaid, shall, during his license as a dealer in second-hand articles, receive or hold a license to carry on the business of pawnbroker, or a keeper of a junk shop; and no keeper of a junk shop shall, during his license as such, receive, or hold, a license to carry on the business of dealer in second-hand articles, or as a pawnbroker.

**1860. License Revocable.] § 7.** Every license granted or to be granted to any dealer in second-hand articles, or

keeper of a junk shop, may be revoked by the mayor on satisfactory cause appearing to him for so doing.

**1861. Junk Dealers—Must Have License—Place of Business.]** § 8. No person shall use, exercise, or carry on the business of a keeper of a junk shop, or what is commonly called a junk shop, for the purchase and sale of junk, rags or old rope, paper or bagging, old iron, brass, copper, tin, slush or lead, without being first specially licensed for such purpose; nor shall any person, or persons so licensed as aforesaid, carry on any such business, at any other house or place, than at the place designated in such license.

**1862. License—How Granted—Fee.]** § 9. The mayor shall, from time to time, grant licenses to such persons as he may deem proper, to keep what are commonly called junk shops, for the purchase and sale of junk, rags or old rope, paper or bagging, old iron, brass, copper, tin, slush or lead, upon payment by the person licensed, to the city clerk, of a license fee of twenty-five dollars, which said license shall be granted for the term of one year only.

**1863. Bond.]** 10. Every person making application for such a license, shall, before the same is granted, give bond in like manner, in like amount, upon the same terms and conditions as is required of second-hand dealers, under section 3, of this article.

**1864. Purchases by—Prohibited—When.]** § 11. No keeper of a junk shop shall purchase from any one except from plumbers and peddlers, holding licenses as such from the city of Peoria, or from the owners of the buildings from which the material is taken, any lead pipe, faucets, boilers or other plumbing material.

**1865. Record of Purchases.]** § 12. Every keeper of a junk shop shall provide and keep a book, in which shall be entered in the English language at the time of the purchase,

a description of the article so purchased, and the name and place of residence of the person from whom such purchase was made. Every such book shall, at all reasonable times, be open to inspection of the mayor, and to any member of the police force. And every such dealer purchasing any article or thing from any person, without first having obtained their name and place of residence, shall, for each and every offense, be subject to a penalty of not less than ten dollars, nor more than one hundred dollars. And in addition to such penalty, the mayor may revoke the license of any person convicted of a violation of this section: *Provided*, however, that the requirements of this section shall not extend to purchases of old rags, and waste paper, by any such dealers.

**1866. Minors—Purchase from Prohibited—Hours of Business.]** § 13. No keeper of any junk shop, or the agent, clerk, or servant of such keeper, shall purchase any article, goods, or thing whatsoever, except old rags and waste paper, of any minor. And no keeper of any junk shop shall purchase, in the way of his or her business, any goods, article, or thing whatsoever, from any person, or persons, whomsoever, between the hours of 9 o'clock p. m. and 7 o'clock a. m. of any day.

**1867. Removal of Place of Business.]** § 14. In case any person so licensed, as aforesaid, either as a dealer in second hand articles, or as keeper of a junk shop, shall move his or her store, or place of business, from the place designated in said license, he, or she, shall, immediately thereupon, give notice to the mayor of such removal, and the number of his, or her, place of business shall thereupon be changed by the city clerk, to correspond to such place of removal.

**1868. License—Not Transferable.]** § 15. No license granted under the provisions of any section of this article, shall be transferable, nor shall it be held, or construed to

authorize the conduct of the business of second hand dealers, or keepers of junk shops, in any other manner than is prescribed in these ordinances.

**1869. Penalty.]** § 16. Whoever shall violate any of the provisions of this article, where no other penalty is provided, shall, upon conviction, be subject to a penalty of not less than ten dollars, nor more than one hundred dollars, for each offense.

## ARTICLE 47.

### SEWERS AND DRAINS.

Section.	Section.
1870. Steam Discharge into Sewer—Prohibited	1874. Police—Duty in Enforcement of Ordinances.
1871. Kitchen Slops—Water Closets—Water Supply.	1875. Excavation Around Sewer—Permit—Penalty.
1872. Butchers' Offal—Garbage, Etc.—Injury to Sewer or Drain—Penalty.	1876. Penalty.
1873. Street Cleaning—Gutters to be Freed—Notice to Contractors.	

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**1870. Steam—Discharge Into Sewer—Prohibited.]** § 1. No connection with, or opening into any sewer, or drain of the city of Peoria, shall be permitted for the conveyance or discharge into said sewer or drain, of steam from any steam boiler, or engine, or from any manufactory, or building, in which steam is either generated or used.

**1871. Kitchen Slops—Water Closets—Water Supply.]** § 2. All connections with any of the sewers or drains, used for the purpose of carrying off animal refuse from water closets, or otherwise, and slops of kitchens, shall have fixtures for a sufficiency of water, to be so applied as to properly carry off all such matter.

**1872. Butchers' Offal—Garbage, Etc.—Injury to Sewer or Drain.—Penalty]** § 3. No butchers' offal, or garbage, dead animals, or other obstructions of any kind whatsoever,



shall be placed, thrown, or deposited in any receiving basin, or manhole of any sewer, or drain, any person injuring, breaking, or removing any portion of any such receiving basin, manhole, covering flag, vent, or any part of any sewer or drain, or in any manner obstructing the mouth or outlet of any sewer or drain, shall, upon conviction, be subject to a penalty of not less than ten dollars, nor more than one hundred dollars, for each offense.

**1873. Street Cleaning—Gutters to be Freed—Notice to Contractors.] § 4.** It shall be the duty of any person, firm or corporation, having charge of the sweeping and cleaning of the streets of the city, to see that the gutters are thoroughly cleaned and scraped out, in order that no refuse, or other obstruction be thereby carried into any of the receiving basins, of any of said sewers or drains. Any and every person, firm, or corporation hereafter contracting with the city of Peoria, for the cleaning, or sweeping of any of its said streets, shall be held to have contracted and agreed to the requirements of this section of these ordinances, whether such requirement is set forth in the contract or not.

**1874. Police—Duty in Enforcement of Ordinance.] § 5.** It is hereby made the duty of the police patrolmen of the city, or any other member, or officer of the police department, to be vigilant in the enforcement of the provisions of this article, and to at once report any violations thereof to the commissioner of public works. And any member of the police department, shall, on observing, or on being informed of the violation of any of the provisions of this article, by any person, or persons, at once report such act to the commissioner of public works. And it is hereby made the further duty of any member of said police department, on being informed, or upon observing any person, or persons, making any opening, or excavation, in any of the public streets, alleys, or other public grounds of the city, to require such person, or persons to ex-

hibit his, or their authority, or permission, so to do, and if none has been obtained from the proper officer, by the person, or persons, making such opening, or excavation, or if such person, or persons, shall refuse to exhibit his, or their authority, or permit, such officer shall immediately report the same to the commissioner of public works.

**1875. Excavation Around Sewer—Permit—Penalty.]**

§ 6. Any person who shall uncover, or excavate under, or around any of the brick or pipe sewers of the city, for any purpose whatever, without first having the written authority so to do, of the commissioner of public works, or other proper officer, or department of the city, authorized by law to grant such permits, shall, upon conviction, be subject to a penalty of not less than five dollars, nor more than one hundred dollars, for each offense, which said penalty shall be recoverable against the person, or persons, or their employes, so uncovering, or excavating under, or around, said sewers or drains, as aforesaid.

**1876. Penalty ]** § 7. Whoever shall violate any of the provisions of this article, where no other penalty is provided, shall, upon conviction, be subject to a penalty of not less than five dollars, nor more than fifty dollars, for each offense.

## ARTICLE 48.

## SIDEWALKS.

## Section.

- 1877. Sidewalks—Width of.
- 1878. Built Under Supervision of Engineer  
—When Engineer to Give Grade  
—Penalty.
- 1879. How to be Built.
- 1880. Plank Walks—How Built.
- 1881. Appertures or Openings in—Penalty.
- 1882. Steps, Platform or Fixtures, etc.—  
Prohibited—Penalty.
- 1883. Dangerous Walk to be Removed.
- 1884. Sidewalks—Use of Space Beneath.
- 1885. Permits—Contents of—Revocation.
- 1886. Space not Allowed—Where—Fee.
- 1887. Use Without Permit—Penalty.
- 1888. Use of Space Under Sidewalk for—  
Prohibited.
- 1889. Open Grating, Vault or Cellar Door—  
Penalty.
- 1890. Receiving or Delivering Merchandise  
Penalty.

## Section.

- 1891. Sidewalks—Curbing—Gutters—Injury  
to—Penalty.
- 1892. Injury to—by Riding or Driving  
Upon, etc.—Penalty.
- 1893. Obstructions—Coal, Fire Wood, etc —  
Penalty.
- 1894. Public Auctions. in—Obstruction of—  
Penalty.
- 1895. Obstruction of, by Persons Standing  
or Sitting on—Penalty.
- 1896. Awnings, How to be Suspended—Ob-  
struction by—Penalty.
- 1897. Conducting Water from Building on  
—Penalty.
- 1898. Signs and Fixtures in—Penalty.
- 1899. Hitching Posts in—Penalty.
- 1900. Bicycle Riding, etc., on—Where Pro-  
hibited—Penalty.
- 1901. Removal of Obstructions.

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**1877. Sidewalks—Width of.] § 1.** That on each and every street in said city unless otherwise ordered by the city council there shall be a sidewalk on each side of the same, of the following widths, to-wit: On streets that are one hundred feet in width, there shall be a sidewalk on each side of the same, fifteen feet in width; on streets that are eighty feet in width there shall be a sidewalk on each side of the same, twelve feet in width; on streets that are sixty-six feet in width there shall be a sidewalk on each side of the same ten feet in width, and all streets of other widths than those herein stated shall have sidewalks on each side of the same, of like width, in proportion to the width of said streets, that sidewalks of fifteen feet in width, have to streets one hundred feet in width: *Provided, however,* that on improved or paved streets, in the parts thereof devoted to business, sidewalks may be laid from sixteen to twenty feet in width, according to the varying width of the street and street pavement; and that in particular

cases the width of any sidewalk may be varied from, under the direction and by the consent of the commissioner of public works; and, also, that the sidewalks on Water street, in Peoria proper, opposite blocks one, two, three and eighteen, shall be twenty feet wide.

**1878. To be Built Under the Supervision of Engineer—When Engineer to Give Grade.]** § 2. The whole work of grading and laying down said sidewalks, whether done by the city, or by the owners of the respective lots or parcels of land abutting upon the street, shall be done under the supervision and subject to the approval of the city engineer. The city council shall establish the grades for all sidewalks, and the same shall conform, as nearly as may be, to the grades of their respective streets. Where no permanent grade is established, the city engineer may give a temporary grade; and he shall, when requested by any person desiring to build a sidewalk, stake out the grade thereof without charge to such person; and no person shall construct, or lay, or caused to be constructed, or laid, any sidewalk where no grade has been established by the city council, without first having obtained a grade therefor from the city engineer, or contrary to any grade given by said engineer; nor shall construct, or cause to be constructed, any sidewalk contrary to any grade which may have been, or may hereafter be established by the city council; and no part of any sidewalk shall be taken for private use by lowering or cutting down the same next to the building fronting thereon; or by railing off the same by any iron, or other railing, or otherwise shutting off the public from using the same, but said sidewalk shall be built clear up to the lot line on a uniform grade, as hereinbefore provided. Whoever shall violate any of the provisions of this or the preceding sections, shall be subject to a penalty of five dollars for the first offense, and to an additional penalty of one dollar for each day after the first conviction, that he shall continue such violation.

**1879. How to be Built.] § 3.** All sidewalks shall have an incline, toward the gutter of the street, of one inch in two feet, and those constructed of brick shall be paved the full width thereof with good, hard brick, and there shall be not less than six inches of sand under and next to the brick, and the brick shall be at least three-quarters of an inch above the curbing when the walk is completed.

**1880. Plank Walks—How Built.] § 4.** That all plank sidewalks built in said city shall be constructed in the following manner to-wit: The planked walk to be at least four feet wide, and the planks to be not less than one nor more than two inches thick, but of uniform thickness on the same block; and when one-inch planks are used, they shall not be more than six inches wide, and when two-inch planks are used they shall not be more than ten inches wide; there shall be three sleepers under the planks, of two by four-inch scantling, set on edge, twenty inches from center to center, and running parallel with the street, and the planks shall be laid crosswise, and shall be well and securely spiked to the sleepers; and any person desirous of planking the sidewalks in front of their lots or premises in said city, at their own expense, are hereby permitted to do so: *Provided*, that such premises are situated outside of the fire limits: *And, provided, further*, that all such plank sidewalks shall be constructed in accordance with this section, and under the direction of the city engineer.

**1881. Appertures or Openings in—Penalty.] § 5.** Every apperture or opening in any sidewalk, over any vault or coal-hole, shall be covered with a substantial iron grate or plate with a rough surface, and the construction of all vaults and coal-holes under sidewalks shall be subject to the direction and supervision of the city engineer, or such other officer as may be designated by the city council; and no person shall build or extend any sidewalk beyond the established width, and no person shall insert any smooth pieces of glass or metal



in any sidewalk whatever, under a penalty, in either case, of not exceeding ten dollars, and a further penalty of two dollars, for each day he shall neglect or fail to remove the same, after notice to do so.

**1882. Steps—Platforms or Fixtures, Etc.—Prohibited—Penalty.]** § 6. No steps, platform or other fixture shall extend into, or upon any sidewalk or alley, in said city. No open cellar or basement way shall be permitted in any sidewalk or alley, nor shall any closed cellar or basement way extend into, or upon any sidewalk more than five feet, nor into any alley more than four feet; nor shall the door or grating of any such closed cellar or basement way extend above the grade of the sidewalk, nor exceeding one inch above the grade of the alley; nor shall the hinges, lock, or other fastenings thereof, be placed on the upper side of the same so as to project above the door, unless within two and one-half feet of the building; and all cellar windows or coal-holes in any sidewalk or alley, shall be set or placed even with the grade of such sidewalk or alley, and be well secured with iron or other suitable gratings. Whoever shall violate or fail to comply with any of the requirements of this section, shall be subject to a penalty of not less than three dollars, nor more than twenty-five dollars, for each offense, and to a further penalty of three dollars, for each day he shall fail or refuse to comply herewith.

**1883. Dangerous—To be Removed.]** § 7. Whenever it shall be brought to the notice of the commissioner of public works, that any neglected or dilapidated sidewalks have become dangerous to the public safety, he shall cause the same to be immediately removed, and shall report his action to the city council at its next meeting thereafter.

**1884. Sidewalks—Use of Space Beneath.]** § 8. No person shall hereafter be allowed to use or occupy for vaults, areas, or for any other purposes, the space beneath the side-

walks included within the sidewalk lines, of any of the streets, avenues, or alleys in the city, unless a permit therefor shall have first been obtained from the commissioner of public works, such permits to continue, and to be issued, only upon the condition that the party receiving the same, shall, as compensation for the privilege granted by said permit, build, maintain and keep in good safe condition, a sidewalk over such space intended to be used for vaults, areas, or other purposes, such sidewalks to be of the material, and constructed and maintained in the manner then, or at anytime thereafter, as may be directed by said commissioner.

**1885. Permits—Contents of—Revocation.]** § 9. Such permits shall specify in general terms, the uses for which the spaces under the sidewalk may be used, and it shall also contain a condition, that upon the failure to construct, maintain, or repair such sidewalks, in accordance with any order that may, from time to time, be given by the city council, or the commissioner of public works, the permit may be declared annulled by the city council, or said commissioner, and that all rights and privileges under such permit shall cease from the time the same is annulled, as aforesaid.

**1886. Space Not Allowed—Where—Fee.]** § 10. No permit shall be granted for the permanent use and occupancy of the space under the sidewalk, that shall extend more than six feet beyond the lot line, at the corners of streets, and in no case shall any such permit grant the use, to any person, of more than ninety per cent. of the space under any sidewalk, the remaining portion being reserved for the use of the city, whenever they may require the same for any purpose. The fee for every such permit shall be five dollars, payable to the commissioner by the person or persons, applying therefor.

**1887. Use Without Permit—Penalty.]** § 11. Any owner, builder, tenant, or other person, who shall in violation of the provisions of the preceding section, use or oc-

cupy any part of the space included within the sidewalk lines of any of the public streets, or alleys of the city, without first having obtained a permit, shall be subject to a penalty of not less than twenty-five dollars, nor more than two hundred dollars, and a like penalty for such use and occupation for each and every day after a first conviction hereunder.

**1888. Use of Space Under Sidewalk for—Prohibited.]**

§ 12. No boiler, steam shaft, furnace or steam pipe, cess-pool or privy vault, shall be constructed or located for use, and no explosive substance or inflammable oil, or any other combustible substance shall be stored, placed or kept for any purpose, under any public sidewalk in the city, and any permit, for the use of any part of the space within the sidewalk lines of any of the public streets, for the purposes herein prohibited, shall be absolutely null and void.

**1889. Open Grating—Vault or Cellar Door—Penalty.]**

§ 13. Any person who shall keep, or leave open, any cellar door, or grating of any vault, on any public highway or sidewalk, or suffer the same to be left or kept open, or place any obstruction thereon that will endanger the public travel, shall, upon conviction, forfeit and pay a penalty of not less than twenty-five dollars, nor more than two hundred dollars, for each offense.

**1890. Receiving or Delivering Merchandise—Penalty.]**

§ 14. No person, while receiving any goods, wares or merchandise, shall permit the same to remain on any sidewalk longer than two hours, and for this purpose he shall not occupy over four feet of the outer edge of the sidewalk in front of the place of business so receiving, or delivering, any such goods, wares, merchandise, etc. Any person violating the provisions of this section shall, upon conviction, be liable to a penalty of not less than five dollars, nor more than fifty dollars, for each offense.

**1891. Sidewalk, Curbing, Gutters—Injury to—Penalty.]**

§ 15. Any person, or persons, who shall in said city in any way or manner, injure, or obstruct any gutter, pavement, curbing, or sidewalk, or cause the same to be injured or obstructed, shall, upon conviction, forfeit and pay a sum not less than one dollar, nor more than fifty dollars, for every offense; and shall, moreover, be liable to said city, in an action of debt, for double the amount of the costs of repairing the same, or removing the obstruction.

**1892. Injury to — by Riding or Driving Upon, Etc.—Penalty.]**

§ 16. Any person who shall ride upon, over or across, or drive, or cause to pass over, along or across, any improved or unimproved sidewalk, or any paved gutter, in said city, with any horse, mule, jack, team, wagon, dray, cart, sled, carriage, or other vehicle, or with any timber or other material drawn by any horse, or horses, mules, or other animals, except at the proper crossing places, where the alleys intersect the streets, shall, upon conviction, forfeit and pay not less than one dollar, nor more than twenty-five dollars, for every offense: *Provided*, that any occupant of any yard, lot, or warehouse may have access to the same by placing in front thereof, at his or her own expense, with the consent and direction of the engineer, a temporary bridge or carriage-way over the gutter and curbing, in such a manner as will preserve the same from injury, and not obstruct it.

**1893. Obstructions — Coal, Fire-wood, Etc.—Penalty.]**

§ 17. It shall be unlawful for any person in said city to throw, cast, or place upon any sidewalk, any stone-coal, coke, or fire-wood, or to cut, split, or saw any fire-wood upon any side-walk; and any person convicted under this section shall forfeit and pay not less than one dollar, nor more than ten dollars, for every offense: *Provided*, that every person shall have the privilege of unloading his or her fire-wood, or other fuel, in front of his or her house, shop, or store, and outside of

the sidewalk, in such manner only as will not obstruct the free passage of the street, alley or gutter, and the water along the same, and upon condition that the same shall be removed before the expiration of twelve hours from the time the same may be deposited.

**1894. Public Auction in — Obstructions of — Penalty.]**

§ 18. It shall be unlawful for any auctioneer, or his agent or crier, to sell, or cry, or offer for sale at public auction, any articles, goods, wares or merchandise, upon any street, alley, sidewalk or public ground; but such auctioneer shall sell all articles and things offered for sale by him at public auction in the rooms or warehouse occupied by him, and he shall so arrange his place of sale in said rooms or warehouse that no portion of the bidders or bystanders will be compelled or required to stand or remain on the street or sidewalk in front of his said auction rooms or warehouse; and any auctioneer or person convicted of a violation of this section shall forfeit and pay a sum not exceeding one hundred dollars for every offense, and, on conviction for a second offense, the police magistrate or jury trying the cause, in addition to the fine imposed, may, in his or their discretion, declare the auction license of the defendant forfeited, and such forfeiture shall be entered up as a part of the judgment.

**1895. Persons — Not to Obstruct — Penalty.] § 19.**

It shall be unlawful for any person, or persons, at any auction sale, or elsewhere, to occupy or incumber any sidewalk, street or alley, in said city, by standing, sitting or remaining upon the same, so as to prevent or obstruct the free and convenient passage of persons along and across any of said streets, sidewalks or alleys, but all such persons shall disperse, or move on, at the request of any policeman; and any person violating this section shall forfeit and pay not less than one dollar, nor more than fifty dollars, for every offense.



**1896. Awnings—How Suspended—Obstruction by—Penalty.]** § 20. It shall be lawful for persons in said city to erect, in front of their stores or houses, awnings to be stretched upon iron frame-work, suspended by brackets or supports from the wall of the building and covered with canvas; and it shall not be lawful for awnings to be hung in any other way. *And, provided,* that no part of any awning in said city shall be less than eight feet from the sidewalk at its lowest point, and shall in no manner interfere with, obscure or obstruct the light of any public lamp; any and every person violating any of the provisions of this section shall, on conviction, forfeit and pay not less than five dollars, nor more than one hundred dollars for every offense.

**1897. Conducting Water from Buildings on—Penalty.]** § 21. Every person owning or occupying any building in said city, shall cause the pipes conducting the water from the eaves of the same, to be so constructed as not to spread the water over the sidewalks, or upon any person passing along any sidewalk or alley; and any person failing to comply with the provisions of this section shall forfeit and pay not less than one dollar, nor more than twenty-five dollars, for every offense.

**1898. Signs and Fixtures in—Penalty.]** § 22. It shall be unlawful for any person in said city to suspend, or place, or cause to be suspended, or placed, any goods, wares, merchandise, sign, sign-box, flag, fixture, or any other article or thing whatever, in front or rear of any house, store or other building, which shall extend or be placed over, or upon any sidewalk, or alley, more than two feet from the wall and line of any such house, store, or building; and any person violating the provisions of this section, shall, on conviction, forfeit and pay not less than three dollars, nor more than fifty dollars, for every offense.

**1899. Hitching Posts in—Penalty.]** § 23. It shall be lawful for persons in said city, to place hitching-posts on the streets in front of their stores and houses, not more than one foot inside of the line of curbing in front thereof, and at no other places; said posts to be neatly turned, or dressed, with a hole, or a strong ring in the top of each, and to be four feet high when set, and to be placed firmly at least two and a half feet in the ground, and at least twenty feet from every crossing, and fifteen feet from the corner of every alley, and at least twenty feet apart; and no other kind, or description of posts, pillars, rails, or uprights, except telegraph, telephone, electric light, or electric street railway poles, and public lamp-posts, shall be placed, or suffered to remain on any sidewalk, street, or alley in said city; and every person violating any of the provisions of this section, shall, on conviction, forfeit and pay not less than one dollar, nor more than fifty dollars, for every offense; and it shall be the duty of the superintendent of streets, city engineer, superintendent of police, or any policeman, to cause all posts, rails, signs, uprights, or fixtures remaining on any street, alley, or sidewalk, contrary to this article, to be removed at the expense of the persons in front of whose store, or other premises, the same may be found, said expense to be recoverable by action of debt.

**1900. Bicycle Riding, Etc., on—Where Prohibited—Penalty.]** § 24. It shall be unlawful for any person, or persons, to ride or propel any bicycle, tricycle, or other conveyance or vehicle whatever, upon and along any of the public sidewalks of the streets in the city of Peoria. Any person violating the provisions of this section shall forfeit and pay a penalty of not less than one dollar, nor more than fifty dollars, for each offense.

**1901. Removal of Obstructions.]** § 25. The mayor, aldermen, or any public officer of the city, are hereby authorized to cause any obstruction, encroachment, article or thing,

which may be in violation of the provisions of this article, to be removed within a reasonable time after notice to the owner, agent, or person in possession of the premises, where such violation occurs, or after notice to the person causing any such obstruction, or in case the owner, agent, or person in possession of any such premises, or the person causing such obstruction, cannot be found, then the commissioner of public works shall cause any such obstruction to be removed at once, and in addition to the penalty in this article prescribed, the person, or persons, causing such obstruction, shall pay all costs and expenses of such removal. And in cases when notice has been given, the person, or persons, so notified, failing after a reasonable time, to remove any such obstruction, shall be liable, in a like manner, as in cases where no notice is given.

## ARTICLE 49.

### SLAUGHTER HOUSES.

• Section.

1902. License—Penalty.

1903. License Fee—Application.

1904. By Whom Granted—Location.

Section.

1905. Inspection.

1906. Penalties.

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**1902. License—Penalty.] § 1.** It shall be unlawful for any person to carry on the business of slaughtering animals, packing meat for market, or rendering fat, grease, scraps, bones, or offal from such animals, or any dead carcass of any animal, or any animal matter whatever, or to engage in the manufacture or production of fertilizers or glue, or the cleaning or rendering of intestines, without having first procured a license for such business; and any one violating this section, shall, upon conviction, be fined not less than twenty-five dollars, nor more than one hundred dollars, for every day he carries on such business without a license.

**1903. License Fee—Application.] § 2.** All applications for any such license shall be made in writing and shall

specify the place, and location and character of the business for which license is desired, and the applicant shall pay to the city clerk the sum of fifty dollars per annum, before any such license is granted.

**1904. By Whom Granted — Location.]** § 3. The mayor is hereby authorized to grant a license for such purpose to any person complying with this article, to carry on any such business at any place in the city below Persimmon street, between Adams street and the river. Where any such business is proposed to be located at any other place in said city, or within one-half mile of the boundary thereof, the same shall only be granted upon the order of the city council.

**1905. Inspection.]** § 4. The commissioner of health, food inspector, and any and all sanitary officers, shall be permitted free entrance at all hours of the day or night to all buildings and premises used for any purposes mentioned in this article, and to free and unrestrained examination and inspection of all apparatus or utensils used in such business, and the disposition of gases generated therein, and of all animals slaughtered therein, and the meat of all such animals.

**1906. Penalties.]** § 5. Every person so licensed, who shall violate any of the provisions of the ordinances of the city, or any statute law of the State of Illinois, relating to such business of slaughtering, packing, rendering and manufacturing of fertilizers or glue, or any ordinance of the city relating to the health of the city, shall, upon conviction, be fined not less than twenty-five dollars nor more than two hundred dollars, for every such offense, and upon a second conviction of any such offense, shall forfeit his license.

## ARTICLE 50.

## STEAM RAILROADS.

## Section.

- 1907. Speed of Trains.
- 1908. Light on Trains—where placed.
- 1909. Spark Catcher—on Engine.
- 1910. Ringing of Bell.
- 1911. Sign Board at City Limits.
- 1912. Violation of—Penalty.
- 1913. Railroad Tracks on Water Street.
- 1914. Switching Trains, etc.
- 1915. Railroad Policemen.
- 1916. Refusal of Railroad Co. to pay.
- 1917. Who to Appoint Railroad Policemen.
- 1918. Railroad Company—Refusal to Pay Proportion of Salary of Railroad Policemen—Rights Forfeited.
- 1919. Cars on Street Crossings—Prohibited.
- 1920. Cars between Main and Chestnut streets—Prohibited—Except

## Section.

- 1921. Strip of Land on Riverside, etc.—Reserved.
- 1922. Gates on Streets, etc.—who to Erect, etc.
- 1923. Tenders of—Duties.
- 1924. Street Crossings, etc.—Not to be Obstructed by Cars, etc., longer than
- 1925. Violation of—Penalty.
- 1926. Duty of Railroad Company as to Grades, Drains, Ditches, Sewers, and Culverts—Penalty.
- 1927. Notice to Repair, etc., Crossings, etc.—Failure—Liability of.
- 1928. Duty of Company to Pave, etc.—when.
- 1929. Duty of—as to Sewers, Culverts, etc.
- 1930. Penalty.
- 1931. Exemption.

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**1907. Speed of Trains.] § 1.** No railroad corporation, shall, by itself, agents, or employes, run any passenger train upon or along any railroad track within the corporate limits of the city of Peoria, at a greater rate of speed than ten miles an hour; nor shall any such corporation, by itself, agents, or employes, run any freight car or cars, upon or along any railroad track within said city at a greater rate of speed than six miles an hour.

**1908. Lights on Trains, etc.—Where Placed.] § 2.** That every locomotive, engine, railroad car, or train of cars, running either backward or forward, in the night time, on any railroad track in said city, shall have, and keep while so running, a brilliant and conspicuous light on the front or advancing end of such locomotive, engine, car, or train of cars.

**1909. Spark Catcher—on Engine.] § 3.** It shall not be lawful for any person to run, or cause to be run, any locomotive in said city, without having placed upon the top of the chimney thereof, a bonnet, or spark-catcher, sufficient to



prevent all accidents by fire from sparks of such locomotive; nor shall it be lawful for any person to run or cause to be run, in said city, any locomotive having the fire-pan of the same down when so running.

**1910. Ringing of Bell.]** § 4. The bell of each locomotive engine shall, immediately upon entering within the limits of said city, be rung, and such bell shall continue to be rung until such locomotive shall reach its destination in said city; and the bell of each locomotive departing from the city, shall be rung immediately on leaving the depot or starting-point, and continue to be rung until the said locomotive and train shall pass the limits of said city; and at all times when cars, trains or locomotives are being switched or moved, on, or along any railroad track, the bell of the locomotive shall be rung, and shall continue to ring during the time the said cars, trains or locomotives are in motion.

**1911. Sign Board at City Limits.]** § 5. Every railroad company operating any railroad within said city shall erect, and at all times keep up at the point of entrance of such railroad track into said city, a sign board with the words, "STOP SPEED—RING THE BELL" legibly painted thereon.

**1912. Violations of—Penalty.]** § 6. Any railroad company, superintendent, conductor, engineer, brakeman, or other agent or employe of any such company, who shall violate, or fail to observe any of the provisions of the preceding sections, of this article, shall forfeit and pay any sum not less than ten dollars, nor more than one hundred dollars, for every offense.

**1913. Railroad Track on Water Street.]** § 7. That hereafter no railway track shall be laid down on Water street, in the city of Peoria, within twenty-five feet of the present line of curbstone, on the north-westerly side of said street.

**1914. Switching Trains, Etc.]** § 8. That any and all railroad companies using and owning railroad tracks within

the city limits of the city of Peoria, may use and operate their said tracks for all necessary switching of their trains for the proper transaction of their business, at any time during the day, under the restrictions hereinafter named.

**1915. Railroad Policemen.] § 9.** That the permission granted in the foregoing section, is upon the express condition that said railroad companies will consent to the appointment of as many policemen, to be known as railroad policemen, as the city council of the city of Peoria may deem necessary for the protection of the public, and that said companies will pay, *pro rata*, into the city treasury, monthly, an amount of money, to be designated by the city council, sufficient to pay the monthly salaries of said policemen: *Provided*, that said policemen shall not be allowed a greater salary per month than is paid to the regular policemen of said city.

**1916. Refusal of Railroad Company to Pay.] § 10.** That upon the refusal, or neglect of any railroad company, or their agent, or agents, to pay their proportion of said salaries, as provided in the foregoing section, when demanded by the city treasurer, or other person authorized by the city council to receive the same, then section eight of this article shall be void and of no effect, so far as the railroad company so refusing, or neglecting, to pay their proportion of said salaries is concerned.

**1917. Who to Appoint Railroad Policemen.] § 11.** That the mayor of said city is hereby authorized and empowered to appoint as many railroad policemen as may, from time to time, be designated by the city council, whose appointment shall be confirmed by the city council as in other cases, and who shall be stationed along the railroad tracks of said companies, at such points in said city as will, in the judgment of the mayor, best serve the interests of the public, for the purpose of enforcing the provisions of this article, and to perform such other duties as may be required of them by the mayor and city council.

**1918. Railroad Company—Refusal to Pay Proportion of Salary of Railroad Policemen—Rights Forfeited.]** § 12. That in case section eight of this article shall become null and void by reason of the failure of any railroad company to pay their proportion of the said salaries of policemen, then, and in that event, the said railroad company so refusing, or neglecting to pay said salaries, shall not be permitted, either by themselves, their agents, servants, conductors, superintendents, or any other employe whatever, of said railroad company, to run, or propel, in whole or in part, by steam power, or otherwise, any locomotive, engine, or car of any kind, on or along any railroad track in the city of Peoria.

**1919. Cars on Street Crossings—Prohibited.]** § 13. It shall not be lawful for any locomotive, engine, tender, passenger car, freight car, or any other railroad car whatever, to stand upon any railroad track, in said city, opposite to or across the foot of any street running to or towards the Illinois river or Lake Peoria, except while used in repairing any such track.

**1920. Cars Between Main and Chestnut Streets—Prohibited—Except.]** § 14. It shall not be lawful for any locomotive, tender, engine, passenger car, freight car, or any other railroad car whatever, to stand upon any railroad track, in the city of Peoria, between Main and Chestnut streets, except during the time that cars are loading and unloading between said streets.

**1921. Strip of Land on River Side, Etc.—Reserved.]** § 15. It shall not be lawful for any railroad company, or any person, to use, for any purpose whatever, the strip of land lying on the river side of Water street, between the westerly line of Mills' second addition to Peoria and the easterly line of Main street, in the city of Peoria, except for the purpose of going to and coming from the Illinois river, and except for

purposes appertaining to the free and lawful use of said river: *Provided*, that the city council may lease a part, or all of said strip, to persons to use the same, for lawful purposes.

**1922. Gates at Streets, Etc.—Who to Erect, Etc.]**

§ 16. That all railway companies, or corporations, who may now, or hereafter, run and operate their trains on any track running at the foot of, or across any public street in the city of Peoria, shall be required to erect and maintain an automatic or other raised gate, or bar, at the foot of such streets, and of such kind as may be designated by the city council of said city, to prevent the crossing of teams across the tracks while trains are in motion thereon, and shall also furnish a tender therefor, at their own expense, to be appointed in the same manner as railroad policemen are now appointed.

**1923. Tenders of—Duties.]** § 17. It shall be the duty of such tender to keep such gate, or bar, closed at all times when it would be dangerous for teams, or persons, to cross such railroad track, or tracks, in consequence of passing trains.

**1924. Street Crossings, Etc.—Not to be Obstructed by Cars, Etc.—Longer Than.]** § 18. That no railroad company, or corporation, shall permit its cars to stand upon any public street crossing, or obstruct the crossing of any street by its trains, or by said gate, or bar, at any one time, for a longer period than five minutes.

**1925. Violation of—Penalty.]** § 19. That any railroad company, or corporation, failing to comply with the three preceding sections of this article, or either of them, shall forfeit and pay twenty-five dollars; and ten dollars additional for each day they shall fail to comply with the provisions of either of said sections.

**1926. Duty of Railroad Company as to Grades, Drains, Ditches, Sewers, and Culverts —Penalty.]** § 20. It shall be the duty of all railroad companies or corporations whose

tracks now run within, or may hereafter enter or pass through the corporate limits of the city of Peoria, to raise or lower their respective railroad tracks to conform to any grade which is or may be established by the city council for any street, avenue or alley upon, along or through which said tracks may be laid or run, and where such tracks run lengthwise of any street, avenue or alley, to keep the same on a level with the street or alley surface, so that they may be conveniently crossed at any place on such street or alley; and to make and keep open and in repair suitable ditches, drains, sewers and culverts, along and under their respective tracks, so that the natural drainage of the adjacent property shall not be impeded; and to construct and keep in repair such crossings as the city council may designate, at the intersections of their tracks with any street, avenue or alley in said city. Any such railroad company or corporation failing, neglecting or refusing to comply with any of the above requirements of this section, shall be subject to a fine of not less than twenty-five dollars, nor more than two hundred dollars.

**1927. Notice to Repair, Etc. — Crossings, Etc. — Failure, Liability of.] § 21.** In the event of any railroad company, or corporation failing or refusing to construct, alter or repair any crossing, culvert or bridge, when duly notified to do so by the commissioner of public works, the city council may order such crossing, culvert or bridge to be constructed, altered or repaired at the expense of the city, and such company or corporation shall thereupon be liable to said city, in an action of debt for the cost and expense thereof.

**1928. Duty of Company to Pave, Etc.—When.] § 22.** When any street, avenue or alley in said city, upon, along or through which any steam railroad track now is or may hereafter be laid, operated or used, shall be ordered paved, by ordinance of the city council, it shall be the duty of every such railroad company, or corporation, to pave all that portion of



said street or alley between the rails of its tracks, and between its tracks, in the same manner as the remaining portions thereof are paved, or in such manner and with such other materials as shall be by ordinance required; and in case of default on the part of any such company or corporation to comply with the above requirements hereof, the city council of said city may cause such railroad track or tracks to be taken up, and said pavement to be laid pursuant to ordinance; and every such railroad company or corporation shall be liable to the city for the cost and expense of so paving said portion or portions of such street, avenue or alley aforesaid, together with lawful interest thereon from the completion of the work; and upon the failure or refusal of such railroad company or corporation to pay such cost or assessment, and interest, the same may be recovered of such company or corporation by suit, in the name of the city, before any court of competent jurisdiction.

**1929. Duty of—as to Sewers, Culverts, Etc.] § 23.** That whenever hereafter the city of Peoria, shall construct any sewer, culvert, tunnel or gutter upon or along any of its streets, or alleys, and leading to any public railroad or railway crossing within the limits of the city of Peoria, it shall be the duty of the railroad, or railway company owning, or in possession, or control of such railroad or railway, when ordered by the city council of said city, to build and construct at its own expense, a continuation of such sewer, culvert, tunnel or gutter over, across or beneath its right of way, upon such grade, and in such direction, as the city council may direct, and of the same materials and dimensions, and in like manner as the said sewer, culvert, tunnel or gutter so constructed by the said city, of which it shall be a continuation. It shall also be the duty of such railroad or railway corporation to keep and maintain in good order, said portion of such sewer, culvert, tunnel or gutter at its own expense.

**1930. Penalty.] § 24.** Any railroad company, superintendent, conductor, engineer, brakeman, or other agent, ser-

vant, or employe of any such company, or any other person, or persons, who shall violate any of the provisions of this article, where no other penalty is prescribed, shall, upon conviction, be subject to a penalty of not less than five dollars, nor more than two hundred dollars for each offense.

**1931. Exemption.]** § 25. Nothing herein contained shall be construed to apply in any sense, to the street railways running through the city of Peoria, unless they are expressly named.

## ARTICLE 51.

## STREETS.

## Section.

- 1932. Streets—For the Public Use.
- 1933. Injury to—Excavations in—Permit—Penalty.
- 1934. Laying Pipes, etc., in—Permit.
- 1935. Permit—Application For—Cost of Repairing, etc.
- 1936. Permits—Who to Issue—Bond.
- 1937. Defects in by Casualty, etc.
- 1938. Building Permits, in For Use of.
- 1939. Building Permits—Who to Issue.
- 1940. Permits—Violation of—Penalty—Forfeiture.
- 1941. Moving Buildings in — Petition — License To.
- 1942. Notice to Street Railway Company.
- 1943. Signals.
- 1944. Penalties.
- 1945. Building in Street, etc.—Penalty.
- 1946. Removal of From Streets, etc.—Penalty.
- 1947. Notice of Obstructions—Penalty.
- 1948. Wagons, Buggies, etc., in — Where Permitted—Penalty.
- 1949. Obstructions in for Repairing, etc.—Removal of—Penalty.
- 1950. Circus Parade in—Permit For.
- 1951. Permit to Designate Streets—Penalty.
- 1952. Rubbish in Prohibited—Penalty.
- 1953. Building Material in—Removal of—Penalty.
- 1954. Personal Property in — Owner Unknown—Notice and Sale of.
- 1955. Distribution of Hand Bills, Circulars, etc., in—Prohibited—Penalty.
- 1956. Shade Trees, etc., in — Hitching Horses to—Penalty.
- 1957. Unfastened Horses, etc., Not Permitted in—Penalty.
- 1958. Fast Riding or Driving in, Prohibited—Penalty.

## Section.

- 1959. Cattle in—Drove Limited—Penalty.
- 1960. Persons Riding or Driving in—Turn to Right—Penalty.
- 1961. Driver of Vehicles Not to Obstruct by Stopping—Penalty.
- 1962. Speed at Crossings—Penalty.
- 1963. Contractors' and Teamsters' Wagons, —How Constructed—Penalty.
- 1964. Throwing Stones, Playing Ball, etc., in—Forbidden—Penalty.
- 1965. Hoisting Materials, etc., to Buildings in—Prohibited—Penalty.
- 1966. Coasting in Prohibited—Penalty—Mayor May Authorize.
- 1967. Sewers and Culverts in—Use of and Injury To—Penalty.
- 1968. Gas and Water Pipes in—How May be Laid, etc.
- 1969. Gas Company to Give Bond Before They Commence Laying—For What—Condition of.
- 1970. City Council May Revoke Right—When—Bond Liable—When.
- 1971. Where Works Not to be Erected.
- 1972. Peoria Gas Light and Coke Company, —Street Mains—How to be Laid.
- 1973. Peoria Water—Company Mains—How to be Laid.
- 1974. Violation of—Penalty.
- 1975. Permit Required to Lay Pipe in Improved Streets—Expense of Replacing Street to be Deposited—Penalty.
- 1976. Service Pipes in Improved Streets—Kind of—Penalty.
- 1977. Numbering of Buildings on Streets—Plan.
- 1978. Size of Figures.
- 1979. Assign Number for—Council to Appoint Each Year.
- 1980. Duty of Owner or Occupant to Number—Notice—Neglect—Penalty.

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**1932. Streets — for Public Use.] § 1.** The streets, avenues, alleys and sidewalks in the city of Peoria, shall be kept free and clear of all incumbrances and encroachments, for the use of the public, and shall not be used, or occupied, in any other way than is herein provided in these ordinances.

**1933. Injury to—Excavations in—Permit—Penalty.]**

§ 2. No person shall injure, or tear up, any pavement, side or crosswalk, or any part thereof, dig any hole, ditch, or drain, in, or dig, or remove, any sod, stone, earth, sand, or gravel, from any street, avenue, alley, or public ground in the city of Peoria, without first having obtained written permission from the commissioner of public works; nor shall any person hinder or obstruct, the making, or repairing, of any pavement, side or crosswalks, or any part thereof, in any of the streets, avenues, alleys, or other public places of the city, when the same is ordered by any department of, or proper officer of the city government. And any person offending against the provisions of this section shall, upon conviction, be subject to a penalty of not less than five dollars, nor more than fifty dollars, for each offense.

**1934. Laying Pipes, Etc., in—Permit.]** § 3. It shall be unlawful for any company, firm, or corporation, their agents, servants, or employes, or for any person, to make, or cause to be made, an opening, ditch, or excavation, in or upon any of the streets, avenues, alleys, or other public places of the city, for the laying of any pipes, or making any change, alteration, or repairs, to any pipes already laid, or for any other purpose whatsoever, except upon condition that a permit therefor, shall have first been obtained of the commissioner of public works for such purpose.

**1935. Permit—Application for — Cost of Repairing, Etc.]** § 4. Any company, corporation, or person, desiring to lay, lower, change, or remove any gas, water, or other pipe, or pipes, or to make connections therewith, or to make any change, alteration, or improvement, in the right of way on any street, shall first apply to the commissioner of public works, for a permit to enter upon such street, avenue, alley, or other public place of the city. Such application shall accurately describe the premises sought to be broken, dug, or excavated,

and further agree to properly guard the place which may be dug, broken, or excavated, so as to protect the city from loss, and all persons from accident and injury, and to complete the work to be done with reasonable dispatch, and when completed to notify the said commissioner: *Provided*, however, that no such permit shall be issued by the commissioner, for the digging up, excavating, or disturbing of any street, avenue, or alley, of the city, until the cost of replacing, or repairing, of the same shall first have been ascertained by the engineer, and paid by the applicant to said commissioner, together with the fees of the engineer for the making of such estimate. The application shall be signed by the person, firm, or corporation, or their, or its, duly authorized agent; and in addition to the other requirements herein prescribed, shall recite that the person, persons, firm, or corporation, to whom the same is issued, will indemnify the city against any loss or damage, in any way resulting to the city, by the granting of the permit to such applicant.

**1936. Permits—Who to Issue—Bond.] § 5.** Upon application being made, in the manner required in the preceding section, the commissioner shall issue a permit to the applicant as therein authorized, and said commissioner may, if not satisfied of the responsibility of the persons seeking such permit, require of them a bond or such other guaranty as will protect the public, and save and keep the city harmless.

**1937. Defects in—by Casualty, Etc.] § 6.** Whenever it shall be brought to the notice of the commissioner that, through any sudden casualty or accident, a defect has occurred in any public street, sidewalk, sewer, gutter or drain, whereby the public safety is in danger, he shall cause the same to be provided with proper safe-guards, and if the cost shall not exceed the sum of one hundred dollars (\$100.00), he shall put the same in order, and the expenses on being allowed by the city council, shall be paid out of the miscellaneous ap-



appropriations for streets, sidewalks, sewers, gutters or drains, as the case may be: *Provided*, that nothing herein contained shall be construed to authorize the repair of any delapidated wooden sidewalks.

**1938. Building in — Permits.] § 7.** Any person desiring to occupy any portion of the public streets of the city of Peoria, while engaged in the erection of buildings, along the line of either or any of said streets, shall first file an application with the commissioner of public works, for a permit to so occupy the same; said application shall state the location of the proposed building, the amount of space in the street desired for occupation, and length of time to be occupied. It shall be accompanied by an obligation on the part of the applicant, to observe, the ordinances of the city, in relation thereto, and to protect the city from any liability to any person, or persons, on account of accident or damage arising from such occupation, and to fully remove all materials, dirt and rubbish from said occupied space, and to restore the street to its original condition immediately, upon the expiration of the period granted in said permit.

**1939. Building Permits — Who to Issue.] § 8.** Whenever such application and agreement shall have been so filed, said commissioner shall have authority, in his discretion, to issue permits to parties to occupy such portion of the streets so prayed for, specifying in the permit all the privileges therein granted, with the terms and conditions of the same, and he shall see that they are fully and completely complied with.

**1940. Permits — Violation of — Penalty — Forfeiture.] § 9.** Whenever any person to whom such permits may be granted shall fail, through either wilfulness or neglect, to perform any of the conditions or execute any of the requirements of the same, he shall forfeit and pay not less than five dollars, nor more than fifty dollars for each offense; and the said commissioner shall have the further power, in his discretion, to

revoke the privileges granted in said permit, and require the removal forthwith of all the materials, dirt, and rubbish placed upon the occupied portion of the street.

**1941. Moving Building in—Petition, License to.] § 10.** Whenever any person shall desire to remove any building within the corporate limits of the city of Peoria, over or upon the streets of said city, he shall present to the superintendent of buildings a petition, stating the location of such building, the value of the same, the place to which it is intended to be removed; and if said removal is approved by said superintendent, and the applicant is a duly authorized house-mover, said officer shall issue a permit for the removal of any such building, which permit shall direct the route to be taken, and the time for the removal thereof.

**1942. Notice to Street Railway Company.] § 11.** That no such building shall be allowed to be removed along any street upon which a street railway is or may be operated, without at least twenty-four hours' notice to the company operating such railway; and during the time such building is being removed the person, or persons, engaged in removing the same shall work night and day until such building is off such street.

**1943. Signals.] § 12.** Every person removing any building, or who makes any excavation or piles any lumber or building material upon any of the public streets of the city of Peoria, shall, in addition to the other requirements of the ordinances of said city, keep from early twilight until dawn a red light, or lights, hung out upon and about the same sufficient to give ample warning of such building, excavation or obstruction.

**1944. Penalty.] § 13.** Every person violating any of the provisions of the three preceding sections of this ordinance shall forfeit and pay for each and every offense, not less than

five dollars, nor more than one hundred dollars, and shall be liable for any and all damages any person may sustain to his person or property in consequence of such violation.

**1945. Building in Street, Etc.—Penalty.] § 14.** No person shall erect or place any building, in whole or in part, upon any street, avenue, alley or other public ground of this city, under a penalty of fifty dollars.

**1946. Removal of from Streets, Etc.—Penalty.] § 15** The owner of any building, fence, porch, steps, gallery, or other obstruction, which now or may hereafter be erected, or placed upon any street, avenue, alley or sidewalk, or other public ground of the city, shall remove the same upon written notice of the commissioner of public works, and any person failing or refusing to comply with such notice, within a reasonable time after being so notified, shall be subject to a penalty of not less than five dollars, nor more than fifty dollars.

**1947. Notice of Obstructions—Penalty.] § 16.** Whenever the owner of any building, fence, or other obstruction, upon any street, avenue, alley, sidewalk, or public ground in this city, shall refuse, or neglect, for a period of ten days, after notice, as prescribed in the preceding section, or if the owner cannot be readily found for the purpose of such notice, such obstruction shall be deemed a nuisance, and it shall be lawful for the commissioner of public works, and it is hereby made his duty, to remove, or cause the same to be removed, or taken down, in his discretion, and the expense thereof shall be recoverable of the owner, and every person who shall oppose, or resist the execution of the orders of the commissioner in such regard, shall upon conviction, be subject to a penalty not exceeding fifty dollars.

**1948. Wagons—Buggies, Etc.—Where Permitted—Penalty.] § 17.** No wagon, carriage, buggy, sleigh, sled, railway coach, or vehicle of any kind, or description, or any part of the same, without horses, or other beasts of burden,

attached, shall be permitted to stand, or remain in any of the streets, avenues, alleys, or other public grounds of the city, except for the purpose of being repaired, and then only in front of the premises, and close to the curb line, or place of business, of the person so repairing: *Provided*, however, that this section of the ordinances shall not be taken to authorize the use, for such purpose, of any part of the public sidewalk, or more than a width of eight feet from the curb line of any such street, or avenue. Any person violating the provisions of this section of these ordinances, shall be subject to a penalty of not less than five dollars, nor more than fifty dollars, for each offense.

**1949. Obstructions in for Repairing, Etc.—Removal of—Penalty.]** § 18. Any person, or persons, paving, or repairing any of the streets, avenues, or alleys, of the city, may, when so authorized by the commissioner of public works, place proper obstructions across such street, avenue, or alleys, for the purpose of preserving the pavement then being made, or repaired, and until the same shall be fit for public use, leaving at all times a sufficient passage for foot passengers: *Provided*, however, that nothing contained in this section shall be construed to authorize any such person, or persons, to so obstruct, more than one block at the same time, in any one street, or to keep the same so obstructed, after any such street, avenue, or alley, paved or repaired, is finished and fit for use. Any person who shall, without the written consent of the commissioner of public works, or without the consent of the person superintending said paving or repairing, throw down, displace, or remove, any such obstruction, shall, upon conviction, be subject to a penalty of not exceeding fifty dollars, for every such offense.

**1950. Circus Parade in—Permit for.]** § 19. It shall be unlawful for any circus, circus and menagerie, to parade in

and along any of the streets, or avenues, of the city of Peoria, without first having obtained a permit so to do, from the mayor of said city.

**1951. Permit to Designate Streets—Penalty.] § 20.** The mayor may issue a permit to any circus, or circus and menagerie to parade in and along the streets and avenues of the city of Peoria, in which permits he shall specify the streets and avenues, in and along which any such parade may be made, and such parade shall not be made, in or along any other streets, or avenues, than those named in such permit. Any person violating the provisions of this and the preceding section, shall be subject to a penalty of not less than one hundred dollars, nor more than two hundred dollars, and a revocation of any license to exhibit within the city of Peoria.

**1952. Rubbish in — Prohibited — Penalty.] § 21.** It shall be unlawful for any person in said city to place, throw or deposit, or caused to be placed, thrown or deposited, and permit to remain, in or upon any streets, lanes, avenues, alleys, sidewalks, public landings or public grounds, any timber, lumber, lath, shingles, fence posts, wood, coal, ashes, lime, brick, earth, crockery, tin clippings, oyster shells, rubbish, boxes, crates, barrels, filth, wagons, carts, drays and other vehicles, or any other article, thing or commodity; and any person violating any of the provisions of this section shall, on conviction, forfeit and pay not less than one dollar nor more than one hundred dollars, for every offense, and the further sum of three dollars for every day any of said articles or things shall remain, contrary to this section.

**1953. Building Materials in—Removal of—Penalty.] § 22.** When any person about to build or repair any house or other building, or improvement, in said city, and shall not have ground sufficient or convenient whereon to place the necessary materials for such building or improvement, such materials may be piled on the nearest part of the street or alley, in such



manner as the superintendent of buildings may specify in his permit granted for such privilege, and so as not to incumber, obstruct or occupy at any time more than one-third of any of said streets or alleys in front of any such house, building or improvement: *Provided*, that no building materials, earth, sand, lumber or rubbish shall be piled or placed upon any sidewalk nor in any gutter: *And provided, further*, that all such materials, and every part thereof, shall be removed as soon as the same shall cease to be needed or used in the construction of such building or improvement, or may be removed at any time when, in the opinion of the superintendent of buildings it is thought necessary, or when the same have remained an unreasonable time; and any person who shall violate any of the provisions of this section, or who shall fail or refuse to remove the said materials when notified by the superintendent of buildings, shall, on conviction, forfeit and pay not less than one dollar, nor more than one hundred dollars, for every such refusal or neglect.

**1954. Personal Property in—Owners Unknown—Notice and Sale of.]** § 23. In all cases where any article of personal property shall have remained on any street, lane avenue, alley, or public ground in city, contrary to ordinance, for twenty-four hours, and no owner or agent for the same can be found in said city, it shall be the duty of the superintendent of police or any policeman of said city, to remove the same to some convenient place, if deemed necessary. It shall thereupon be the duty of the superintendent of police, to advertise such article of personal property, for the space of ten days, by posting up notices, in three of the most public places of the city, and at the expiration of said notice, if no owner apply for such article, to sell the same at public auction at the city hall building in said city, and to at once pay the proceeds arising therefrom, to the city treasurer. All of which funds shall be retained by said treasurer, and subject to the order of the city council.

**1955. Distribution of Hand Bills, Circulars, Etc., in Prohibited—Penalty.]** § 24. No person shall distribute, cast, throw, or place in, upon or along any of the streets, avenues, alleys or public places of the city of Peoria, any handbill, pamphlet, circular, book or advertisement, for the purpose, or with the intent of advertising or making known any business, occupation, attraction, profession, medical treatment, medicine, or any thing whatsoever, and any person violating the provisions of this section shall be subject to a penalty of not less than five dollars, nor more than twenty-five dollars, for each offense.

**1956. Shade Trees, Etc., in—Hitching Horses to—Penalty.]** § 25. It shall be unlawful for any person in said city to hitch, fasten, or tie any horse, mule, or other animal, to any shade or ornamental tree, which may be standing, or growing, on any street or sidewalk, or in or about the courthouse square, or the public grounds of the city, or the boxing, or railing around the same, or to injure, cut, break, climb upon, bend, or destroy any shade or ornamental tree growing in said square, or grounds, nor to turn any cattle, horses, or other animals into the same, nor to deface, injure, break, or in any manner disfigure the monument in said square, nor shall it be lawful to cut, injure, bend, or climb upon any shade tree on any street or sidewalk, or the boxing around any tree, nor to hitch, fasten, or tie any horse, mule, or other animal, to any lamp-post, awning-post, public hydrant, or telegraph-pole on any street, sidewalk, alley, or public place, or to cut, break, injure, or destroy any public lamp, or lamp-post, or any other property belonging to the city of Peoria; nor shall it be lawful for any person in said city to light, or extinguish any public lamp, without having proper authority so to do, nor shall it be lawful for any person in said city to place, fasten, leave standing, or tie any horse, or other animal on any sidewalk, or at any place, or to any thing, in such a way that said horse, or other animal, shall occupy, or

obstruct the free use of any street, or sidewalk; and any person violating any of the provisions of this section shall, on conviction, forfeit and pay not less than one dollar, nor more than one hundred dollars for every offense.

**1957. Unfastened Horses, Etc.—In—Penalty.] § 26.** No person in said city shall leave standing, unfastened, any horse, mule, or other animal, or any team, either in harness or attached to any wagon, sled, carriage, dray, cart, or other vehicle, nor shall any person cause, suffer, or permit any horse, mule, ox, or jack to pass through any street or alley without a driver; and any person convicted under this section shall forfeit and pay not less than three dollars, nor more than fifty dollars, for every offense.

**1958. Fast Riding or Driving in—Penalty.] § 27.** Any person who shall ride or drive any horse, mare, mule, or gelding, or any other beast of burden, violently or carelessly through, or along, any street, lane, or alley in said city, so as to endanger the safety of any person, shall, upon conviction thereof, forfeit and pay not less than three dollars, nor more than one hundred dollars, for every offense.

**1959. Cattle in—Drove Limited—Penalty.] § 27.** It shall be unlawful for any person, or persons, between the hours of (7) o'clock a. m. and (7) o'clock p. m., of each and every day, to drive upon, or along any of the public streets of the city of Peoria, lying above northerly side of Persimmon street, and between and below the line of Armstrong avenue and Water street, more than five (5) head of cattle, at any one time. Any person, or persons, violating the provisions of this section, shall forfeit and pay not less than five dollars, nor more than fifty dollars, for each offense.

**1960. Persons Riding or Driving in—Turn to Right—Penalty.] § 29.** In all cases of persons meeting each other riding on horseback, or driving any wagons, carts, drays or other vehicles, on any street, alley or public place in said city,

each person riding or driving shall turn off and go to the right, so as to enable such persons and vehicles to pass each other without delay or accident; and any person who shall violate this section shall forfeit and pay not less than one dollar, nor more than fifty dollars, for every offense.

**1961. Driver of Vehicles Not to Obstruct by Stopping—Penalty.]** § 30. No driver of any team, or vehicle shall stop the same in any street, lane or alley in said city, so as to obstruct the street, lane or alley in such a manner as to prevent other teams and vehicles or persons from passing at all times, unless in cases of absolute necessity; nor shall any driver of any team or vehicle, or any person riding or in charge of any animal, stop the same at or upon any regular crossing of any street, alley or public place in said city, and every person violating the provisions of this section shall forfeit and pay not less than one dollar, nor more than twenty-five dollars, for every offense.

**1962. Speed at Crossings —Penalty.]** § 31. That all persons in said city riding any animal, or in charge of or driving any horses or other animals in any vehicle, when approaching any regular crossing on any street, lane, alley or public place, shall slacken their speed until the crossing is passed; and any person who shall violate this section shall forfeit and pay not less than three dollars, nor more than fifty dollars, for every offense.

**1963. Contractors and Teamsters Wagons — How to be Constructed.]** § 32. That all contractors, teamsters and other persons hauling dirt on streets or alleys, shall so construct, keep and maintain their wagon boxes, dumps and side boards with front and rear end boards as at all times to prevent the spilling of ashes, gravel, dirt or rubbish from the same; and any person who shall fail to comply with the provisions of this section shall forfeit and pay, for the first offense, five dollars, and for each succeeding offense, not less than ten dollars, nor more than twenty-five dollars.

**1964. Throwing Stones, Playing Ball, Etc., in, Forbidden — Penalty.]** § 33. It shall be unlawful for any person on any street, lane, alley or thoroughfare of said city to fly kites, throw stones, trundle hoops, play ball, or use any sport or exercise likely to frighten horses, injure passengers, or embarrass the passage of vehicles; and any person violating this section shall forfeit and pay not less than one dollar, nor more than twenty-five dollars, for every offense.

**1965. Hoisting Materials, Etc. in, Prohibited — Penalty.]** § 34. It shall be unlawful for any person in said city to hoist on the outside of any building, over any street, alley or thoroughfare, any merchandise, grain, or other material or article; and any person violating this section shall forfeit and pay not less than five dollars, nor more than one hundred dollars, for every offense.

**1966. Coasting in, Prohibited — Penalty — Mayor May Authorize.]** § 35. It shall be unlawful for any person, or persons, to indulge in the sport commonly called coasting, in or upon any of the public streets, avenues, alleys, or sidewalks of the city of Peoria. Any person, or persons, violating the provisions of this section, shall forfeit and pay a penalty of not less than one dollar, nor more than fifty dollars, for each and every offense: *Provided*, however, that the mayor may, by public proclamation, suspend the provisions of this section, as to any of such streets, or avenues, when in his judgment, the public safety will not thereby be endangered.

**1967. Sewers, Culverts, Use of, and Injury to — Penalty.]** § 36. It shall be unlawful for any person in said city to injure, obstruct, or destroy, any public sewer or culvert, or the grating or openings of the same, constructed or owned in whole or in part by said city, nor shall any such sewer or culvert be used for any other purpose than for which the same was constructed; and any person violating this section, shall forfeit and pay not less than ten dollars, nor more than one hundred dollars, for every offense.



**1968. Gas and Water Pipes in—How May be Laid.]**

§ 37. That any company organized for the purpose of lighting the city of Peoria, and furnishing the inhabitants of said city with gas, be and they are hereby fully authorized and empowered to lay their mains and service pipes in any of the streets, alleys and public grounds, in said city of Peoria, in the manner hereinafter provided.

**1969. Gas Company to Give Bond Before They Commence Laying—For What—Conditions of.] § 38.** That the gas mains and service pipes shall be laid under the direction of the commissioner of public works and city engineer, acting under such directions as the city council may, by resolution or ordinance, prescribe. That said company shall before they commence laying said mains and service pipes, enter into bonds with the city of Peoria, in the sum of not less than ten thousand dollars, agreed, stipulated and liquidated damages, with good and sufficient security, to be approved by the city council of said city, that they will erect sufficient buildings and works for the generating of gas for the use of said city and inhabitants; that they will put said works in operating order within such time as the city council may direct; that they will furnish gas to private consumers at a price not to exceed one dollar and fifty cents per one thousand cubic feet for standard gas; that they will furnish light for the city of Peoria at a price not to exceed twenty dollars per lamp-post per annum, each lamp or burner to consume not less than five feet of gas per hour; that they will furnish and keep said lamps and posts in repair and in good order; that they will lay their mains in continuous connection with said gas works in such streets and alleys as may be designated by the city council of said city, and along as many blocks as said city council may designate; that they will pay all damages sustained by the city, or any person or persons, by reason of any exposed condition of the works of said company, or of any trench dug,

or pipes laid in or along any of the streets, alleys or public places of said city by said company; that they will not in any manner combine nor confederate with any existing gas company, nor other company, or person or persons, in the interest of any existing gas company, for the purpose of creating a monopoly of the gas business in the city of Peoria.

**1970. City Council May Revoke Right—When—Bond—Liable—When.]** § 39. When the city council of said city shall become informed of the fact that said company so organized, after availing themselves of the provisions of this article, is not acting in good faith, according to the intent and meaning hereof, then the city council may declare, by motion or resolution, this article void and inoperative so far as said new gas company is concerned, and such declaration shall work a breach and forfeiture of said bond, and the principals and surety named in said bond shall be held liable to said city for whatever damages said city has sustained by reason of the bad faith of said new company.

**1971. Where Works Not to be Erected.]** § 40. That any company operating under the provisions hereof shall not be permitted to erect their works for the manufacture of gas farther up the river than Bridge street in said city.

**1972. Peoria Gas Light and Coke Company—Street Mains How to be Laid.]** § 42. That the Peoria Gas Light and Coke Company shall lay their street mains at a distance of not less than ten feet from the center of the streets in said city, and they shall be laid on the north or west side of said streets.

**1973. Peoria Water Company—Mains How to be Laid.]** § 42. That the mains of the Peoria Water Company shall be laid at a distance of not less than ten feet from the center of the streets in said city, and they shall be laid on the south or east side of said streets.

**1974. Violation of—Penalty.]** § 43. That any person, company or association, violating either of the two preceding sections shall forfeit and pay not less than twenty-five dollars nor more than one hundred dollars for every offense.

**1975. Permit Required to Lay Pipes in Improved Streets—Expense of Replacing Street to be Deposited—Penalty.]** § 44. That it shall not be lawful for any person, persons, companies, corporation or corporations, to lay any gas or water pipes, either main or service pipes in any of the streets or alleys of the city of Peoria, after said streets or alleys shall be permanently improved, either by paving, macadamizing or graveling the same, unless special permission shall be given therefor by a two-thirds vote of the city council of said city: *And, provided, further,* that such permission shall not be granted by the city council, until the party, or parties making the application therefor, shall have deposited with the commissioner of public works, the amount of the expense, as estimated by the city engineer, of replacing, or repairing the street excavated or disturbed for such purpose, together with his lawful fees and charges for the making of such estimate; and any person, company or corporation violating the foregoing sections of this article, shall be subject to a penalty of not less than twenty-five dollars, nor more than two hundred dollars, for each offense.

**1976. Service Pipes in Improved Streets—Kind of—Penalty.]** § 45. That all owners of lots abutting upon any street, or streets, in the city of Peoria, which may hereafter be permanently improved in the manner set forth in the preceding section shall, before or at the time such improvements are being made, remove or caused to be removed all iron water service pipes from such street or streets in front of their lots, and replace the same or cause the same to be replaced with lead pipe or pipes; and any party or parties failing to comply

with the provisions of this section, shall, upon conviction, forfeit and pay any sum not less than twenty-five dollars, nor more than fifty dollars.

**1977. Numbering of Buildings on Streets — Plan.]**

§ 46. That the several buildings that are now, or that may hereafter be, erected in the city of Peoria, shall be numbered by the owner, or owners, occupant, or occupants thereof, according to the following plan, viz:

*First.* Main street, Water street, Franklin street, and the alley commencing at the intersection of Bridge and Adams streets, running due west and commonly called Prairie street, shall constitute base lines, from which lines the numbering of buildings fronting, or situated on streets extending from said lines on either side, shall commence—the odd numbers on one side and the even numbers on the other side of each street, progressing alternately from side to side.

*Second.* All those portions of any and all streets intersecting Main street, and running parallel with the Illinois river, which lie north of said Main street, shall hereafter be known and designated by the prefix “North,” and those which lie south of said Main street by the prefix “South,” to the names of said streets respectively; the odd numbers being placed on the buildings situated on the bluff, or north-west side, and the even numbers on buildings situated on the river, or south-east side of said streets,

*Third.* All those portions of any and all streets intersecting Prairie street, and running due north and south, which lie north of said Prairie street, shall hereafter be known and designated by the prefix “North,” and those which lie south of said Prairie street by the prefix “South,” to the names of said streets respectively; the odd numbers being placed on buildings situated on the west side, and the even numbers on buildings situated on the east side of said streets.

*Fourth.* All those portions of any and all streets extending from Water street to the river shall hereafter be known and designated by the prefix "East," to the names of said streets respectively; and all those streets intersecting Water street, running in a southeast and northwest direction, shall have the odd numbers placed on buildings situated on the south side, and even numbers on the north side of said streets respectively.

*Fifth.* In all those streets extending from Franklin street, in a western direction, the odd numbers shall be placed on buildings situated on the south side, and even numbers on the north side of said streets respectively.

*Sixth.* Each block shall be so divided in the numbering that there shall be one number allowed, as far as practicable, for every twenty feet of ground fronting on the several streets.

*Seventh.* Said numbering shall be done in what is known as the Philadelphia, or St. Louis plan of hundreds to a block, numbering from the base lines mentioned in clause First of this section, beginning at 100 at each base line, north, south, east, or west, as the case may be.

**1978. Size of Figures.]** § 47. The figures of every number shall not be of less dimensions than two and one-half inches in length; each figure shall be legible, and placed in a conspicuous position on the front side, or above the front door on every building.

**1979. Assign Numbers for—Council to Appoint Each Year.]** § 48. It shall be the duty of the city council, at their first regular meeting in January of each and every year, or as soon thereafter as may be, to select some person, whose duty it shall be to assign the proper numbers to the several buildings, in accordance with the provisions of this article, and notify the owner, or owners, occupant, or occupants, of the said buildings, of the numbers so assigned.

**1980. Duty of Owner or Occupant to Number—Notice—Neglect—Penalty.]** § 49. Any person, or persons, being



the owner, or owners, occupant, or occupants, of any building, or buildings, now erected, or which may hereafter be erected, and being upon and fronting on any of the streets of the city of Peoria, who shall neglect, or refuse, to number his, or their, building, or buildings, in conformity with the provisions of this article, for more than thirty days after they have been notified to do so by the officer appointed to perform that duty, shall forfeit and pay the sum of three dollars.

## ARTICLE 52.

### STREET RAILROADS.

#### Section.

- 1981. Regulations—Restrictions.
- 1982. Grant of Franchise.
- 1983. Petition—When Street to be Used is More than Mile Long.
- 1984. Grant of Permit—Application for—How Made.
- 1985. Applicant to Give Public Notice of Petition for—How Given.
- 1986. Proof of Publication—How Made—Damages—Bond for.
- 1987. Control of Streets Reserved—Police Power.
- 1988. How Tracks of in Streets to be Maintained—Notice to—Penalty.

#### Section.

- 1989. Drains and Culverts Under Tracks—Space Between—How to be Kept.
- 1990. Duty of Company to Pave, etc.—When.
- 1991. Franchise Street Railroad in Improved Streets—Person Obtaining Right—to Pay for.
- 1992. Rules and Regulations.
- 1993. Must Comply with Conditions—Penalty.
- 1994. Franchise—Limit of Grant.
- 1995. Provisions to Form Part of Grant—When.

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**1981. Regulations—Restrictions.] § 1.** Any individual, company, or corporation, to whom shall hereafter be granted the privilege to construct and operate street railroads in the city of Peoria, and all persons, companies, and corporations, operating roads already established, shall be guided, governed, and regulate by the conditions and restrictions, hereinafter set forth, and by any such further rules, regulations, restrictions, and conditions, as the city council may, at any time hereafter, prescribe.

**1982. Grant of Franchise.] § 2.** The city council shall not grant a franchise to any person, company, or corporation, to construct, or maintain any elevated railroad, or any

elevated way, or conveyor, to be operated by steam power, electricity, horse or any other motive power, over, in, along, or upon any of the streets, avenues, or alleys of the city of Peoria, except upon a petition of the owners of the land representing more than one-half of the frontage of the streets, avenues, or alleys, or so much thereof as is sought to be used for such elevated railroad, or elevated way, or conveyor for street railroad purposes.

**1983. Petition When Street to Be Used is More Than Mile Long.]** § 3. When the street, avenue, or alley, or part thereof sought to be used for any of the purposes aforesaid, shall be more than one mile in extent, no petition of land-owners shall be valid for the purposes of this ordinance, unless the same shall be signed by the owners of the land representing more than one-half of the frontage of each mile, and fractional part of a mile, of such street or alley, or the part thereof sought to be used for any of the purposes aforesaid.

**1984. Grant or Permit—Application for—How Made.]** § 4. Subject to the provisions of the preceding sections of this article, all applications for permission to construct and operate street railroads in the city of Peoria, shall be made to the city council in writing, setting forth the name and address of the applicant, the termini of the proposed line, the streets, avenues or alleys, in which it is proposed to construct the same, the number of tracks to be laid in each street, with such turn-outs, side tracks, and turn-tables as may be necessary, all of which shall be delineated on a plat to be furnished with the application.

**1985. Applicant to Give Public Notice of—Petition for—How Given.]** § 5. No action shall be taken by the city council on any such application, until the person asking the consent of the city council to operate and construct any such railroad, shall have given at least ten days public notice of the time and place, of presenting any such application, or petition,

The notice of such application, or petition shall be given by publication in some public newspaper, of general circulation, published in the city of Peoria, and printed in the English language.

**1986. Proof of Publication—How Made—Damages—Bond for.]** § 6. Proof of the publication of such notice shall be made to the city council, by a copy of the notice attached to the certificate of the publisher, certifying as to its correctness, and also as to the number of times, and dates on which such notice was published. The applicant, or petitioner shall also before any such grant is given by the city council, execute a bond to the city of Peoria, with two or more sureties, to be approved by said council, and in such sum as they may determine, conditioned that, the applicant, or petitioner, in the event that the grant asked for by the petitioner is allowed by the city council, will pay all damages to owners of property abutting upon the street, avenue, alley or public ground, upon or over which such road is to be constructed, which they may sustain by reason of the location or construction of the road; the same to be ascertained and paid in the manner provided by law for the exercise of the right of eminent domain.

**1987. Control of Streets Reserved—Police Power.]** § 7. Every grant to any such person, company or corporation, of a right to use any of the streets, avenues, alleys, or public grounds in the city of Peoria, shall at all times thereafter, be subject to the right of the proper authorities to control the use, improvement and repair of such street, avenue, alley, or public ground, to the same extent as if no such grant had been made, and to make all necessary police regulations concerning the management and operation of such street railroad, whether such right is reserved in the grant or not.

**1988. How Tracks of in Streets to be Maintained—Notice to—Penalty.]** § 8. It shall be the duty of any person, company or corporation, now operating, controlling, or

maintaining, or that may hereafter own, operate, or control a street railroad in any of the streets, avenues, alleys, or other public grounds of the city of Peoria, to raise or lower their tracks to conform to any grade which is or may hereafter be established by the city council for any street, avenue, alley, or other public ground upon, along or over, which any of said tracks now are, or may hereafter be laid, and where any such tracks run lengthwise of any street or avenue, to keep said tracks on an even grade with the surface of such streets, so that the same may be conveniently crossed at any place. Any such person, company, or corporation, failing, neglecting or refusing to comply with the provisions of this section, within thirty days after written notice from the commissioner of public works of the city, shall on conviction be subject to a penalty of not less than ten dollars, nor more than one hundred dollars, for each offense, and each and every day's neglect, after said notice, shall be deemed to be a separate offense within the meaning of this section.

**1989. Drains and Culverts Under Tracks—Space Between—How to be Kept.]** § 9. Every company, or corporation, now operating, or that may hereafter operate, or maintain any street railroad, as aforesaid, shall, at their own expense, construct, maintain, and at all times keep in good condition and repair, drains or culverts along the streets where their tracks are laid, where any of said streets are intersected by cross streets or alleys, and said drains, or culverts, shall be so constructed and maintained, as to afford a ready means of carrying off the water from falling rains, or melting snows flowing down any of such intersecting streets, or alleys, and in such manner as to afford a safe and convenient crossing for the public at such intersections, over said tracks, and all the space between the outside rails of any of said tracks, shall be so graded and maintained, as to render said tracks convenient for vehicles to cross at any place along any street where any

of said tracks may be laid, or any street railroad is operated. And every person, company, or corporation, failing, neglecting, or refusing to comply with the provisions of this section, after notice, as provided in the preceding section, within thirty days, shall be subject to a like penalty, as is therein prescribed. And each day's neglect shall be deemed to be a separate offense within the meaning of this section.

**1990. Duty of Company to Pave, Etc.—When.] § 10.** When any street, avenue or alley in said city, upon, along or through which any street railroad track, now is, or may hereafter be laid, operated, or used, shall be ordered paved, by the city council, it shall be the duty of any person, company or corporation, owning, operating or controlling such street railroad track, or tracks, to pave all that portion of the street, avenue or alley, where any of said tracks are laid, that is included in the space between the rails of said track, or tracks, and between the tracks and an additional space of one foot along the outside line of said track, or tracks, upon all the streets, avenues, alleys or other public grounds of the city where any of said track, or tracks, now are, or may at any time hereafter be, run or laid, in the same manner as the remaining portions of the street on each side of said space is paved, or in such other manner as the city council may, by ordinance, direct, and in case of default on the part of any such person, company or corporation, to comply with the above requirements, at the time the remaining portions of the street, as aforesaid, are paved, the city council may cause any of such street railroad track, or tracks, to be taken up, and the space in such streets, as aforesaid, to be paved in pursuance with the provisions hereof, and every such person, company or corporation, shall be liable to the city of Peoria for the cost and expense of such pavement, in said space, or portion of any of said streets, avenues, alleys or other public grounds of the city, where any of said street railroad tracks run, or are laid, with lawful interest thereon from the comple-



tion of the work; to be recovered by the city of Peoria of any person, company or corporation so in default, before any court of competent jurisdiction.

**1991. Franchise for Street Railroad in Improved Streets — Person Obtaining Right to Pay for.] § 11.**

Hereafter all franchises or rights of way given or granted by the city council of the city of Peoria to any person, company or corporation, to lay, construct and maintain a street railroad in any of the streets, avenues or alleys in the city of Peoria, on which a pavement has been laid, in whole or in part at the expense of property owners abutting thereon, the person, company or corporation, before such right, or privilege, is granted, shall pay, or cause to be paid, to the city treasurer, for the use of contiguous property owners on any such improved streets to be taken for the purposes aforesaid, a rateable proportion of the cost of the street, avenue or alley, so taken, as the part taken for such street railroad purposes, bears to the entire width of any such street, avenue or alley, paved, and paid for as aforesaid. And this section shall be deemed to be a part of every such right or privilege, hereafter granted by the city council of the city of Peoria to any person, company or corporation, unless repealed by express words in the ordinance, or ordinances, granting any such franchise, right or privilege.

**1992. Rules and Regulations.] § 12.** Every person, company or corporation, now operating, or that may hereafter be granted the right to operate, street railroads in any of the streets, avenues, alleys, or other public grounds of the city of Peoria, shall be subject to and observe the following rules and regulations:

*First.* Cars driven in the same direction shall not approach each other within a distance of twenty feet.

*Second.* While the cars are turning the corners, from one street to another, they shall not be driven or propelled at a

rate of speed exceeding five miles an hour, and the rate of speed of all cars, at all times, shall be subject to the direction of the city council.

*Third.* No car shall be allowed to stop on a cross-walk, nor in front of any intervening street, except to avoid collision, or to prevent danger to persons in the street; nor shall any car be left standing in any street or highway at any time, unless the same is waiting for passengers.

*Fourth.* The conductors shall announce to the passengers the names of the principal streets along the route, and the streets, or places wherever the cars cross in connection with any other street railroad track.

*Fifth.* The conductors, or drivers, as the case may be, of each car shall keep a vigilant watch for all teams, carriages, persons on the track or tracks, and on the first appearance of danger to such team or person, the car shall be stopped in the shortest time and space possible.

*Sixth.* All such cars shall be provided with signal lights, which lights shall, at dusk, be placed on each end of the car, in such manner as to render them conspicuous to public travel from either direction on the line of the track, tracks on which any of said cars run, all such cars propelled by other than animal power shall have placed on each end thereof, on the outside, a gong or other suitable device, and the person in charge of, or propelling any of such cars, shall cause said gong, or other device to be sounded, or rung at least one hundred feet from the place where such street railroad track or tracks crosses, or intersects any other street, or public highway, and shall be kept sounding or ringing, until such street, or public highway, is reached, and all such cars, propelled by horse, or other animal power, shall at all times have a bell attached to some portion of the harness.

*Seventh.* All street cars stopping at the intersection or crossing of any street, or avenue within the city of Peoria,

shall stop with the rear platform of the car at the further side or walk thereof, so that the car when stopped, shall not interfere with the public travel on such intersections, or crossing, of any of the streets or avenues. And it shall be the duty of every individual, company or corporation, now operating, or that may hereafter be granted the privilege to construct and operate street railroads in the city of Peoria, to cause all the cars operated thereon, to be so heated, during cold weather, as to render them comfortable to public travel.

*Eighth.* No person, company, or corporation, that are now, or that may hereafter, be granted the right to operate a street railroad in the city of Peoria, shall be permitted to remove the snow which may fall upon any of their said track, or tracks, upon the roadway of any of the streets, or avenues, upon and along which any of said tracks may run, except, that the same, when removed from said track, or tracks, to said roadway be evenly distributed over the surface thereof, and in such manner as shall not interfere with the free use and occupancy of such streets, and avenues, by the public: *Provided*, that no such person, company, or corporation, shall be permitted, in removing snow from their said tracks, to deposit and allow the same to remain on any cross walk, intersecting any of said tracks, for a longer period than thirty minutes, and every such crossing shall, within the time aforesaid, be cleaned by such person, company, or corporation.

*Ninth.* Every individual, company, or corporation, to whom has been granted, or to whom may hereafter be granted, the right to operate, maintain, or construct a street railroad, in any of the streets, avenues, alleys, or other public grounds of the city of Peoria, is hereby required to sprinkle, or pay the cost of sprinkling, the right of way used by them, in and upon any street, avenue, alley, or other public grounds of the city, through, or over which such railroad may be built, in all cases

where the remainder of such streets, avenues, alleys, or other public grounds, are sprinkled by the city, or the property owners.

**1993. Must Comply With Conditions—Penalty.** | § 13.

Said individuals, companies, and corporations shall perform all and singular, the conditions of this article, together with, all and singular, the further and future orders of the city council of the city of Peoria, in relation to said street railroads, and every such individual, company, or corporation, failing, or refusing to observe and comply with the forgoing requirements, shall be deemed to be guilty of a misdemeanor, under this article, and upon conviction thereof, shall be subject to a penalty of not less than ten dollars, nor more than one hundred dollars for each offense.

**1994. Franchise — Limit of Grant.** | § 14.

No grant, under the provisions of this article, shall be made for a longer period than twenty years, from the date of such grant: *Provided*, that no right in any additional extension, track, or tracks, shall be made to extend beyond the period specified in the grant for the main line.

**1995. Provisions to Form Part of Grant — When.** |

§ 15. The provisions of this article, so far as applicable, and unless expressly repealed, shall be considered as entering into and forming a part of every such grant hereafter made, whether specifically set forth, or referred to, in the ordinance making the grant or not.

## ARTICLE 53.

## TELEGRAPH AND TELEPHONE POLES.

## Section.

1996. Authority of Council to Erect, or Put Up.

1997. Poles—Who to have Charge and Control of.

## Section.

1998. Poles—Plat of Route to be Submitted.

1999. Poles—Where Placed.

2000. Rights Reserved to City.

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**1996. Permit to Erect.] § 1.** No person, company, or corporation whatever, shall erect, or set up, in any of the streets, avenues, alleys, or other public places, or grounds, of the city of Peoria, any pole, poles, or other means of support, from and over which any wires are strung and extended for the purposes of communication, or for any other purpose whatsoever, without first having obtained permission and authority from the city council so to do.

**1997. Poles—Who to Have Charge and Control of.] § 2.** All poles set, or erected, under the authority of the provisions of the preceding section, shall be under the charge and control of the commissioner of public works, subject to the provisions of the ordinances of the city of Peoria granting such privilege.

**1998. Poles — Plat of Route to be Submitted.] § 3.** Any person, firm, company, or corporation, applying to the city council for permission to erect, or set up, poles, as provided in section one of this article, shall accompany the application for such permission with a plat, on which shall be designated the public streets and alleys of the city desired to be used by the applicant for such purpose, which said plat shall be filed with the commissioner of public works, and be and remain the property of the city.

**1999. Poles—Where Placed.] § 4.** Upon the granting of the right by the city council to any person, firm, company, or corporation, to erect, or set up, poles in any of the streets,



avenues, alleys, or other public grounds of the city, all such poles to be erected, or set up, shall be placed at the outside edge of the sidewalk, and next to the curb stone, or curb line, and the kind and character of poles, the length of the same, the manner in which said poles shall be maintained and kept, the purposes for which said poles may be used, and any and all such other terms and conditions as the city council may deem expedient, shall be fully set forth in the authority of the city council, granting any such permit or privilege, as aforesaid.

**2000. Rights Reserved to City.] § 5.** In case the said city shall change the width or grade of any street, sidewalk, or alley, where said poles are, or may be placed, or when, for any reason, the city council shall direct the same to be done, the parties owning, or controlling, said poles shall remove and reset the same at such place and in such manner as the city council may direct, whether such provision is specifically set forth or not, in the grant of any such privilege.

## ARTICLE 54.

### TREES.

#### Section.

2001. Must be Inside Curb Line.  
2002. Trees—Where Placed.

#### Section.

2003. Trees—In Street, Etc.—How to be Trimmed.  
2004. Injury to Trees—Penalty.

**2001. Must be Inside Curb Line.] § 1.** Any person desiring to plant or set trees in and along the sidewalk line of any of the streets, or avenues of the city of Peoria, shall first apply to the commissioner of public works for a permit so to do. And no person shall have authority to set out trees in any of said streets or avenues, except upon the written permit of said commissioner.

**2002. Trees—Where Placed.] § 2.** All trees planted or set out by any person under such permit shall be placed in-

side the curbstone, or curb line, the distance of one foot, and not closer together than the distance of twenty feet: *Provided*, that when in the improvement of any of the streets or avenues of said city, a park, or lawn is established in the sidewalk space between the curbstone, or curb line and lot line, trees may be placed, or set in such park or lawn, at such distance from said curb line, and in such manner as said commissioner shall, by his written permit, direct.

**2003. Trees in Streets, Etc.—How to Trimmed.]**

§ 3. It shall be the duty of the owner, or occupant of the premises, now having trees in any of the public streets, or avenues of the city, or that may hereafter set out, maintain and cultivate trees in any of said streets, or avenues, to cultivate and maintain the same in such manner as not to interfere with the free and unimpeded use of the sidewalks, in any, or along any of such streets, and avenues, and to keep the boughs and branches cut or trimmed close to the trunk or body of the tree, at least ten feet above the surface of the sidewalk.

**2004. Injury to Trees—Penalty.]** § 4. No person other than the owner of the abutting property, shall cut down, destroy, break or in any way injure any tree, or shrub, standing in any street, avenue, or public place of the city, except by permission of the city council, or the commissioner of public works. Any person violating the provisions of this section shall, upon conviction, forfeit and pay not less than five dollars, nor more than twenty-five dollars, for each offense.

## ARTICLE 55.

## WARD BOUNDARIES.

## Section.

- 2005. First Ward.
- 2006. Second Ward.
- 2007. Third Ward.
- 2008. Fourth Ward.

## Section.

- 2009. Fifth Ward.
  - 2010. Sixth Ward.
  - 2011. Seventh Ward.
- 

**2005. First Ward.] § 1.** That the boundary lines of the First ward in the city of Peoria, Illinois, shall commence in the middle of Peoria lake and the Illinois river, at the intersection of the north corporate limits of said city, with the center line of said Peoria lake and Illinois river; thence west and along the north corporate limits of said city to the center line of California avenue in said city; thence south on the center line of California avenue to the center line of Taylor street in said city; thence east to the center line of Taylor street to intersection of the center line of Bluff and Wayne streets in said city; thence south along the center line of Wayne street to the center line of Greenleaf street in said city, thence, in a southeasterly course and along the center line of Wayne street to a point in the center of Peoria lake and Illinois river, opposite the center line of Wayne street in said city; thence, in a northeasterly course, along the center line of Peoria lake and Illinois river to the place of beginning, and all territory lying within said limits shall be known and designated as the First ward of said city.

**2006. Second Ward.] § 2.** That the boundary lines of the Second ward in the city of Peoria, Illinois, shall commence at the intersection of the center lines of Adams and Wayne streets in said city; thence in a northeasterly course on the center line of Wayne street to the center line of Greenleaf street; thence on the center line of Greenleaf street to the center line of Jackson street in said city; thence in a north-

westerly course, on the center line of Jackson street to the center line of Bluff street; thence, in a southwesterly course, on the center line of Bluff street to the center line of Main street; thence, in a southeasterly course, on the center line of Main street to the center line of Perry street; thence, on the center line of Perry street to the center line of Franklin street; thence south on the center line of Franklin street to the center line of Adams street; thence, on the center line of Adams street in a northeasterly course to the place of beginning, and all territory lying within said limits shall be known and designated as the Second ward of said city.

**2007. Third Ward.]** § 3. That the boundary lines of the Third ward in the city of Peoria, Illinois, shall commence at a point in the center of Peoria Lake and Illinois River opposite the center line of Wayne street in said city; thence, running in a northwesterly course to a point on said Wayne street at the intersection of the center lines of Wayne and Washington streets in said city; thence, along said line on the center line of Wayne street to the center line of Adams street; thence, in a southwesterly course on the center line of Adams street to a point opposite the center line of Prairie street at its intersection with Adams street; thence along the center line of Prairie street to the center line of West Jefferson street; thence, along the center line of West Jefferson street in a southwesterly course to the center line of Pecan street; thence, on the center line of Pecan street to a point in the center of the Illinois River opposite the center line of Pecan street in said city; thence, along the center line of the Illinois River and Peoria Lake in a northeasterly course to the place of beginning, and all territory lying within said limits shall be known and designated as the Third ward of said city.

**2008. Fourth Ward.]** § 4. That the boundary lines of the Fourth ward in the city of Peoria, Illinois, shall commence at a point on Adams street at the intersection of the

center lines of Adams and Franklin streets; thence north on the center line of Franklin street to the center line of Perry street; thence easterly on the center line of Perry street to the center line of Main street; thence northwesterly on the center line of Main street to the center line of Bluff street; thence southwesterly on the center line of Bluff street to the center line of Montague or State street; thence southeasterly, on the center line of Montague or State street to the center line of Swinnerton street; thence southwesterly on the center line of Swinnerton street to the center line of Fisher street; thence northwesterly on the center line of Fisher street to the center line of Hillyer Place; thence westerly on the center line of Hillyer Place to the center line of Shipman street; thence on a southerly course on the center line of Shipman street to the center line of Seventh avenue; thence westerly on the center line of Seventh avenue to the center line of Spencer street; thence south on the center line of Spencer street to the center line of Persimmon street; thence southeasterly on the center line of Persimmon street to West Jefferson street; thence northeasterly on the center line of West Jefferson street to the center line of Prairie street; thence easterly on the center line of Prairie street to the center line of Adams street opposite the center line of Prairie street; thence on the center line of Adams street to the point of beginning, and all the territory lying within said limits shall be known and designated as the Fourth ward of said city.

**2009. Fifth Ward.]** § 5. That the boundary lines of the Fifth ward in the city of Peoria, Illinois, shall commence at a point at the intersection of the center lines of Greenleaf and Wayne streets, in said city; thence, northeasterly on the center line of Wayne street, to a point on Bluff street, at the intersection of the center line of Bluff and Taylor streets; thence, west, on the center line of Taylor street, to the center line of California avenue; thence, north, on the center line of California avenue to the north corporate limits of said city;



thence, on the line of the north corporate limits of said city, to the western line of the west corporate limits of said city; thence, south, on the west corporate limits of said city, to the center line of Seventh avenue; thence, northeasterly, on the center line of Seventh avenue, to a point opposite the center line of Sand street; thence, south, on the center line of Sand street, to a point opposite the center line of Third street; thence, east, on the center line of Third street, to the center line of Spencer street; thence, north, on the center line of Spencer street, to the center line of Seventh avenue; thence, east, on the center line of Seventh avenue, to the center line of Shipman street; thence, north, on the center line of Shipman street, to the center line of Hillyer Place; thence, northeasterly, on the center line of Hillyer Place, to the center line of Fisher street; thence, southeasterly, on the center line of Fisher street, to the center line of Swinnerton street; thence, northeasterly, on the center line of Swinnerton street, to the center line of Montague, or State street; thence, northwesterly, along the center line of Montague, or State street, to the center line of Bluff street; thence, northeasterly, on the center line of Bluff street, to the center line of Jackson street; thence, southeasterly, on the center line of Jackson street, to the center of Greenleaf street; thence, on the center line of Greenleaf street, to the point of beginning, and all the territory lying within said limits shall be known and designated as the Fifth ward of said city.

**2010. Sixth Ward.]** § 6. That the boundary lines of the Sixth ward of the city of Peoria, Illinois, shall commence at a point on West Jefferson street at the intersection of the center lines of West Jefferson and Persimmon streets; thence, northwesterly, on the center line of Persimmon street, to the center line of Spencer street; thence, north, on the center line of Spencer street, to the center line of Third street; thence, west, on the center line of Third street, to the center line of

Sand street; thence, north, on the center line of Sand street, to the center line of Seventh avenue; thence, southwesterly, on the center line of Seventh avenue, to the west corporate limits of said city; thence, south, on the line of the west corporate limits of said city, to the center line of Lincoln avenue; thence, east, on the center line of Lincoln avenue, to the center line of Adams street; thence, northeasterly, on the center line of Adams street, to the center line of Pecan street; thence, northwesterly, on the center line of Pecan street, to the center line of West Jefferson street; thence, northeasterly, on the center line of West Jefferson street, to the place of beginning, and all territory lying within said limits shall be known and designated as the Sixth ward of said city.

**2011. Seventh Ward.]** § 7. That the boundary lines of the Seventh ward in the city of Peoria, Illinois, shall commence at a point in the center of the Illinois river, opposite the center line of Pecan street, in the city of Peoria; thence, northwesterly on a line to a point on the center line of Adams street in said city at the intersection of the center line of Pecan and Adams streets; thence, southeasterly on the center line of Adams street to the center line of Lincoln avenue; thence, west on the center line of Lincoln avenue to the west line of the corporate limits of the said city; thence, south on the line of the west corporate limits of said city to the line of the south corporate limits of said city; thence, east on the line of the south corporate limits of said city to the center line of the Illinois river; thence, on the center line of the Illinois river to the point of beginning, and all the territory lying within said limits shall be known and designated as the Seventh ward of said city.

[Passed by the city council February 16, 1892.]

## ARTICLE 56.

## WATER WORKS.

## Section.

- 2012. Subject to Provisions of.
- 2013. Taking Water From, or Injury to Hydrants.
- 2014. Interference with Hydrants, Stop-cocks, Etc.
- 2015. Connections with Water Works System—Person Performing Work must be Licensed.

## Section.

- 2016. Interference with Service Pipes, Mains, Etc.
- 2017. Wrenches, Etc., Furnished to Fire Department—Not to Be Used—Except.
- 2018. Public Fountains—Injury to—Carrying Away, or Polluting Water in—Penalty.

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**2012. Subject to Provisions of.] § 1.** The water works system of the city of Peoria are hereby declared to be subject to the conditions, limitations, and full provisions, of an ordinance of the city, entitled, “An ordinance for an improved, enlarged, and extended system of water works for the city of Peoria, Illinois,” etc., passed by the city council of the city of Peoria, on May 4th, A. D. 1889, and the several revisions, and amendments, by said council, made thereto, together with such other and further conditions and agreements as may hereafter be made and entered into between the said city of Peoria and the grantees named in said ordinance, passed on the 4th day of May, A. D. 1889, as aforesaid, or their assigns.

**2013. Taking Water From, or Injury to Hydrants.] § 2.** That no person, or persons, other than the members of the fire department of the city for the uses and purposes of said department, and those duly authorized by the Peoria Water Company, shall open any of the hydrants of the said water works system of the Peoria Water Company, or attempt to take water therefrom, or in any manner interfere with or injure any of said hydrants.

**2014. Interference with Hydrants, Stop-Cocks, Etc.] § 3.** No person shall, in any manner, obstruct the free access to any of the hydrants of said system, belonging to said

Peoria Water Company, or to any stop-cock, meter, elevator dial, or shut-off gauge, connected with any of the water pipes of said system, belonging to said company, by means of any coal, lumber, brick, building material, or other articles, thing, or hindrance whatsoever, or refuse the free access thereto by the proper city authority, or to the said Peoria Water Company.

**2015. Connections With Water Works System—Person Performing Work Must be Licensed.]** § 4. No person shall lay any water service pipes, or do any plumbing work in any building, or on any grounds, for the purpose of connecting such pipes or plumbing work, with the pipes of the water works system of the Peoria Water Company, or of preparing them for such connections, with the view of having such premises supplied with water, by the water works system of the Peoria Water Company, or make any additions to, or alterations of any water pipe, or other fixture, or apparatus, for supplying any premises, or person with water, from said system, without being duly licensed, to perform such work, and without first having obtained a permit to perform such work, from the Peoria Water Company.

**2016. Interference with Service Pipes, Mains, Etc.]** § 5. It shall be unlawful for any person, or persons, in any manner to interfere with any main, or service water pipes of the water works system of the Peoria Water Company, without first being authorized by said Peoria Water Company, and at the same time procuring a permit from the proper department of the city government, as required in these ordinances, or any that may hereafter be passed by the city concerning such matters.

**2017. Wrenches, Etc.—Furnished to Fire Department—Not to be Used Except.]** § 6. It shall not be lawful for any member of the fire department, or officer, or other person connected therewith, to take the wrenches, or other imple-

ments, or tools, furnished by the water company to the different fire companies, to be used by said companies in case of fire, or to suffer or permit any of such wrenches, tools or other implements, so furnished, to be taken from the hose house of said companies, except for the purpose connected with said fire department.

**2018. Public Fountains—Injury to—Carrying Away or Polluting Water in—Penalty.]** § 7. It shall not be lawful for any person, or persons, in any way to injure, mutilate or destroy any of the public drinking fountains, either for man, or beast, in the city of Peoria, or in any way or manner to unnecessarily waste the water therein, or with buckets, barrels, or other vessels, to carry the water away therefrom, or to injure, destroy, or take away any cup, or other convenience for public use, placed or found at any of said fountains, or to tie any horse, or other animal to any of said fountains, and any person, or persons, violating this section, or any of the provisions of any of the forgoing sections of this article, shall, upon conviction, be subject to a penalty of not less than five dollars, nor more than one hundred dollars, for each offense.

## ARTICLE 57.

### WIRES.

#### Section.

2019. Right Must be given by Ordinance.

2020. Wires—How Strung and Extended.

2021. Wires—Police Alarm Telegraph System.

2022. Must Not Interfere with Other Wires or Trees.

#### Section.

2023. Must be Fastened—How.

2024. Owner Must Remove—When.

2025. Penalty.

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**2019. Right Must be Given by Ordinance.** § 1. No person, company or corporation, shall have the right to run, string, or extend wires, in, along, upon, or over, any of the streets, avenues, alleys, sidewalks, or other public places, or



grounds, of the city of Peoria, for any purpose whatsoever, unless first duly authorized by an ordinance of the city council of said city.

**2020. Wires—How Strung and Extended.]** § 2. That all wires now extended, or which may be extended, within said city for electric lights and for telegraph or other purposes of correspondence or communication, shall be placed at least twenty (20) feet above the level of the ground.

**2021. Wires—Police Alarm and Telegraph System.]** § 3. That all wires which are now, or which may hereafter be extended, placed or run in said city, that are used by telegraph, telephone, or other companies, for the purpose of communication, shall be so placed, run and extended, as to be at least six feet below any and all wires of the fire, or police alarm telegraph system of the city, and no electric light wire, or electric street car wire, shall be so placed, run or extended as to bring such wire within two feet of any pole of said fire or police alarm system.

**2022. Must Not Interfere With Other Wires, or Trees.]** § 4. No wires shall be extended upon any street, sidewalk or alley in said city, so as to interfere with the wires of another company, or with any shade or ornamental trees, whether the same are growing upon public streets, or private grounds; nor shall any person, or persons, in laying or extending said wires, enter upon the premises of any citizen or individual, without first obtaining from such person, his consent in writing so to do.

**2023. Must be Fastened—How.]** § 5. All wires now extended, or which may be extended for either of the purposes in this article expressed, shall be attached to insulators securely fastened upon the upper side of the cross-bar.

**2024. Owner Must Remove—When.]** § 6. Whenever it shall become necessary to have any of such wires raised or removed to enable buildings, or other things to pass along any

of said streets, or alleys, the owners or managers of such wires shall, without delay, when notified, cause said wires to be raised or removed.

**2025. Penalty.]** § 7. Any person, persons, company or corporation, violating any of the provisions of this article, shall forfeit and pay a sum not more than fifty dollars, nor less than five dollars for each offense; and if said violation is by persons enjoying the privileges herein granted, the rights herein acquired shall be forfeited: *And provided*, that any rights granted may be withdrawn at any time the city council deems the public good requires it.

## ARTICLE 58.

### EFFECT OF ORDINANCE.

**2026. Effect of Adoption of Ordinance.]** § 1. This ordinance shall take effect and be in force from and after its passage. But all ordinances or parts of ordinances not inconsistent or in conflict with the provisions of this ordinance, shall continue in force and effect, the same as if this ordinance had not been adopted.

Passed in Council this 16th day of April, A. D. 1892.

M. R. FAY,

City Clerk.

Approved April 18, 1892.

CHARLES C. CLARKE,

Mayor.

# SPECIAL ORDINANCES.

- |  |  |
|--|--|
| 1. Central Railway Company.                  | 5. Peoria Rapid Transit Company        |
| 2. East Bluff Peoria Horse Railroad Company. | 6. Postal Telegraph and Cable Company. |
| 3. Ft. Clark Horse Railway Company.          | 7. Water Works.                        |
| 4. Jenny Electric Light and Power Company.   |  |

## I. CENTRAL RAILWAY COMPANY.

### Section.

- 2027. Right of Way on What Streets.
- 2028. Motive Power—What to be Used.
- 2029. Poles—Right to Erect.
- 2030. Wires—How Suspended—Poles—How Set.
- 2031. Injury to Wires—Penalty.
- 2032. Conditions of Grant.
- 2033. Removal of Snow from Tracks.
- 2034. Switches—How Laid.
- 2035. Control of Streets Reserved to City.
- 2036. Right to Grant Other Franchises.
- 2037. Rail—Kind to be Used.
- 2038. Injuries to Track, etc.—Penalty.
- 2039. Consideration to City for Franchise.
- 204C. Cars—How Kept, Operated and Maintained.

### Section.

- 2041. Cars—Time Between.
- 2042. Cars to be Numbered, Etc.
- 2043. Conductors Required.
- 2044. Damaged Car Not to be Used.
- 2045. Rate of Fares—Transfers to What Lines.
- 2046. Stopping Cars at Crossings.
- 2047. Franchise Not Transferable.
- 2048. Liability for Damages from Exercising Right.
- 2049. Rights of City After Nineteen Years.
- 2050. Removal of Stables, Etc.—When.
- 2051. Franchise Subject to Forfeiture—When—Term of Grant.

AN ORDINANCE, granting to the Central Railway Company the right to construct and operate an Electric Street Railway over certain streets and avenues in the city of Peoria.

• **2027. On What Streets and Avenues Right-of-Way Granted.]** § 1. *Be it Ordained by the City Council of the City of Peoria:* Subject to the provisions and regulations hereinafter made, and to the requirements of the general ordinances of said city, there is hereby granted to the Central Railway Company of the City of Peoria, Illinois, the right and authority to construct and operate a street railway with the necessary side-tracks, turn-outs and switches in, on and along the surface of the following streets and avenues in said city, viz:

A double track shall be built and operated along the entire

length of Adams street within the city limits; on Washington street from Chestnut street to Main street; on Chestnut street from Adams street to Water street, and on Main street from Washington street to Elizabeth street; a single track shall be built and operated on the Farmington road (Main street) from Elizabeth street to Bourland street; on Bourland street from the Farmington road (Main street) to Floral street; a double track shall be built and operated on Bourland street from Floral to Hansel street, from Bourland street on Hansel street to Bradley avenue, and on Bradley avenue from Hansel street to Malvern street; a single track shall be built and operated on Elizabeth street from Main street to Floral street, and on Floral street from Elizabeth street to Bourland street. A single or double track shall be built and operated on Oak street from Adams street to West Madison street and along West Madison street to Hurlburt street, and on Hurlburt street from West Madison street to Saratoga street, and on Saratoga street from Hurlburt street to McBean street; on McBean street from Saratoga street to Steubenville street; on Steubenville street from McBean street to Kettelle street, and a single track on Abingdon street from Adams street to Jefferson avenue, and thence along Jefferson avenue northeasterly to Grant street. *Provided*, that where said company is given the option of putting down either a single or double track, in this section, it must build its double track within two years from the date of the passage of this ordinance; otherwise it is understood that said company has elected hereunder to build only a single track on said streets, and it shall not thereafter construct a double on such streets.

**2028. Motive Power—What to be Used.]** § 2. Said company shall operate said railway and propel its cars by electric motive power and not otherwise; except that in case of accident to machinery making it necessary, said cars may be propelled by animal power for a period not exceeding thirty days for any one accident. *Provided*, further, that said

company may use animal power to propel its cars during the construction of the appliances for operating its road with electricity, subject to the limits in this ordinance fixed for the completion of said construction of said electric appliances.

**2029. Poles—Right to Erect.] § 3.** To enable it to operate said railway by electricity, said company is hereby authorized to erect suitable poles or supports along each side of the streets and avenues herein named, from the generator or power station, or stations, or car houses to and along the lines of said railway, and to connect the poles or supports by such wires as may be necessary for the transmission of power and the successful operation of said railway.

**2030. Wires How Suspended—Poles How Set.] § 4.** The said wires shall be suspended not less than eighteen and one-half feet above the rails; and the said poles or supports shall be placed on an average of not less than one hundred and fifteen (115) feet apart, except at the intersection of streets and avenues, where the said distance will place the poles or supports in the intersecting streets or avenues. Said poles or supports shall be kept at all times neatly painted white. They shall be located under the direction of the city council, through its street committee and the city electrician. None of said poles or supports shall be placed nearer than fifteen (15) feet distant from all police and fire alarm telegraph poles, or any other poles to which said police and fire alarm wires may be attached. And when, in the judgment of the city electrician and city council, it becomes necessary to elevate or move the city's wires along the right of way hereby granted, so as to provide for the operation of the said road without the city's property being injured, all the expenses connected with such elevation or removal shall be at once paid to the city by said company upon demand being made therefor.

**2031. Removing or Breaking Wires—Penalty.] § 5.** Any person other than the city electrician and employes of



the city, who shall wilfully remove or break any of the wires used by said railway company in the operation of its railway, shall be fined in any sum not to exceed one hundred dollars (\$100.00) for each wire or part of wire removed or broken.

**2032. Terms and Conditions on Which Franchise is Granted.]** § 6. The foregoing rights and privileges are granted upon the following named conditions, viz:

*First.* Within thirty (30) days after the passage of this ordinance, said Central Railway Company shall cause to be deposited with the city clerk the bond of said company to the city of Peoria, legally executed, with sureties thereon to be approved by the said clerk, in the sum of twenty-five thousand dollars (\$25,000) and conditioned that said company will strictly comply with the conditions hereinafter in this section imposed, making a compliance with this section of this ordinance the condition of said bond; and said bond shall provide for the payment of the full penalty thereof into the city treasury of said city as liquidated damages in case any of the condition of said bond or ordinance shall be broken by said company. This bond shall be conditioned for the performance by the Central Railway Company of the conditions imposed upon it by this ordinance, which can be performed by it, within four years from the passage of this ordinance. And if at the end of said period of four years said company shall have observed and kept said conditions faithfully, said bond shall be then cancelled and returned to said company, otherwise to remain in full force until discharged by such performance.

*Second.* The said company shall, within four (4) months after the passage of this ordinance, acquire the railways and properties of "The Central City Horse Railway Company, of the City of Peoria," the "Peoria Horse Railway Company" and of the "Central City Horse and Cable Railway Company," and procure said several companies to surrender to the city of

Peoria, within four months after the passage of this ordinance, their several rights of way on the streets and avenues herein-before named.

The acquirement of the railway tracks of said railway companies by the Central Railway Company and remodeling of said tracks shall be deemed and taken as the building and construction, by it, of the railway tracks hereby authorized, on the streets and avenues where the railways of said other companies now exist.

*Third.* Said Company shall commence the remodeling of said railways so acquired, and constructing the appliances for propelling cars and operating said road with electric motive power within four (4) months after the passage of this ordinance.

*Fourth.* Said lines of railway shall be fully constructed and equipped upon Adams street the full length of the same, and upon Main street from Adams to Elizabeth street, for operating with electricity and shall be so operated, within one year from the passage of this ordinance; and all other lines hereby authorized to be constructed shall be fully completed and in operation with electric appliances, within eighteen months from the date of the passage of this ordinance.

*Fifth.* Said company shall construct culverts across the full width of the streets and avenues, or bend its rails to conform to gutters which may be located upon and across its right of way; and in constructing its tracks said company shall not disturb, remove or displace any of the street crossings or gutters existing at the time, unless the same is permitted by the city council; and in case of displacement or removal of any of said crossings or gutters by said company, it shall, immediately after the construction of its tracks at said crossings restore said crossings and gutters; and shall thereafter during the continuance of its rights under this ordinance, maintain and

keep in good repair all of said street and avenue crossings commencing on each side at the outside of the right of way of said company.

*Sixth.* If at any time the city council should establish a grade on any street or avenue used or occupied by the track or tracks of said company, or should change the grade already established, the said railway company shall raise or lower its tracks to conform to said grade, when notified so to do by the city council or city engineer, at its own cost and expense.

*Seventh.* Said company shall, within one year from the date of the passage of this ordinance, pave its right of way with Ottawa brick or other brick equally as good, on the streets and avenues named in this clause, the full width of fourteen (14) feet, paving between the rails and between the tracks, on Adams street, from Lincoln avenue to Eaton street, and on Main street, from Washington street to Elizabeth street, and on Washington street from Chestnut to Main street.

*Eighth.* Adams street, from Eaton street to Cornhill street and, also, from Lincoln avenue southerly to South street shall be paved with brick as above provided, within two years after the date of the passage of this ordinance. All the balance of Adams street and Main street from Elizabeth street to Bourland street shall be paved, when the balance of the street is paved, with such material as may be ordered by the city council, the full width of fourteen feet for double track and seven feet for single track. All the above mentioned pavement, to be done within two years, shall be made of good Ottawa paving brick or some other equally good paving brick, to be approved before it is laid, by the city council of said city.

*Ninth.* On all said other streets and avenues when the same or any part thereof shall be ordered to be paved by the city council, said company's right of way thereon, included in such order, shall be paved the full width of fourteen (14) feet where there is a double track and seven (7) feet where there

is a single track, with such material and in such manner as the city council shall order to be made. All paving required to be laid by said company shall be laid and kept in repair with the same material originally used in it by and at the expense of the said company.

*Tenth.* If the said company shall fail to comply with the provisions of this section, requiring it to repair a pavement on its right of way on any street, after notice to do so by the city council or engineer, by service thereof upon any officer of said company, for ten days after receiving such notice, such company shall forfeit and pay into the city treasury the sum of twenty-five dollars (\$25.00) per day for the time said company shall fail to put down or repair said paving, as liquidated damages, the same to be recoverable of and from said company by the city of Peoria in an action of debt; and said paving may be repaired by the city of Peoria at the expense of said company and said company shall repay the cost thereof to the city upon demand.

*Eleventh.* Said railway company shall construct at all places on streets and avenues where made necessary by reason of the location and building of said railway thereon, across the entire width of the street, proper and sufficient culverts of such material as may be designated by the city council, to carry off all surface water collecting on or upon said streets, upon or over which the right of way to said company is hereby granted and shall at its own expense keep and maintain the same, the width of its right of way, in good condition and repair continually during its occupancy of said streets.

*Twelfth.* The rails to be laid and used in the construction of said railway shall not be elevated above the surface of the street, but shall be so laid and used that their upper surface shall be flush with the pavement and so that carriages and vehicles can easily and freely cross said tracks at any and all points thereof; and on turning a corner of any street the rails

shall swing to the inside so as to leave both streets as clear as possible; but the city council shall at all times, through its street committee and engineer, control the manner of laying such tracks and may cause the same to be taken up and changed and relaid if their directions are not followed, and may give such directions as they may deem to be for the best interest of the public, which directions shall be by the company followed and obeyed.

**2033. Removal of Snow from Tracks—How to be Done.]** § 7. When said company shall remove snow from its tracks in the streets of the city, by means of snow plows or otherwise, it shall cause such snow to be leveled off in such a way as to make such streets safe and convenient for public travel; and it shall keep all crossings across its right of way clear of snow and debris at all times.

**2034. Side Tracks and Switches—How Laid.]** § 8. In all streets or avenues where two tracks are laid, all the side tracks, turn-outs and switches permitted by this ordinance, shall run from one track to the other, and shall in no event be laid upon the outside of the main or double tracks; but spur tracks may be laid from the main track to the company's car houses.

**2035. Control of Streets Reserved to City.]** § 9. The city of Peoria reserves the right to disturb the track of said railway when it shall become necessary for building or replacing sewers, laying water pipes or for improving the streets or performing any other of the city's improvements, the same to be so done as to cause the least delay in running the cars upon said tracks; and the tracks to be replaced and protected by said company at its own expense, when removed or disturbed by the city for such purposes; but the city to replace paving where said right of way is paved. Said city also reserves the right to permit said company's wires to be disturbed at any and all times when necessary, to enable said



streets to be used for the purpose of moving houses, and for any other proper use of said streets by the public. The same to be so done as to cause the least delay possible to the business of said company.

**2036. Right Reserved to Grant Use of Tracks—Compensation.]** § 10. The right to grant the privilege of the use of the tracks of said company to any other street railway company is hereby expressly reserved to the city council, provided, that the applicant for such privilege shall not be a direct competitor for any considerable distance with said Central Railway Company's lines and the entire distance traversed by any one other company on said Central Railway Company's track shall not exceed four blocks at one place. *Provided further*, that said privileges shall not be granted to any other company that is not expressly required by its ordinance to concede or will not concede a like privilege to said Central Railway Company. *And provided, further*, that the said privilege shall not be used when granted, so as to interfere unnecessarily with the traffic and business of said Central Railway Company and not until a fair compensation therefor shall be determined and paid. And in the event of the failure of said companies to agree on the amount of such compensation, the said city council of Peoria shall be the judge, and shall fix the amount of compensation to be paid by said other company to the Central Railway Company. And if said Central Railway Company shall prevent or refuse to permit the use of said track or tracks after a tender to it of the amount so fixed by the city council, by the party interested, said company shall thereby forfeit its rights on the street in controversy under this ordinance. But the council expressly reserves the right to grant to any other street railway company the right to use the right of way and tracks of the Central City Railway Company on Washington street, the entire right of way hereby granted.

**2037. Style of Rail to be Used.]** § 11. The rails used by said company, on paved streets, shall be the flat rail, not less than forty-five (45) pounds weight per yard, of the Johnston make, or other rails presenting substantially the same surface, to be approved by the city council; the gauge of said tracks shall be four feet eight and one-half inches.

**2038. Vehicles Right to Use Tracks—Injury to Cars or Track—Penalty.]** § 12. The right is hereby reserved by the city council for carriages and all vehicles to travel over and along said tracks. But said carriages or vehicles shall in no manner or way interfere with the running of said cars nor in any way to work unnecessary injury to said tracks or cars. And any person or persons who shall willfully or unnecessarily obstruct the passage of the cars of said company along its tracks, or willfully and unnecessarily injure said tracks or cars in any manner, shall, for each offense, be fined in any sum not exceeding twenty-five dollars (\$25.00) nor less than one dollar (\$1.00).

**2039. Consideration for Franchise.]** § 13. The said Central Railway Company shall, beginning at the expiration of eight years from the date of the passage of this ordinance, pay into the city treasury of the city of Peoria, at the end of every six months thereafter, an amount equal to three per cent. of the amount of the gross earnings for the said six months of the said Central Railway Company, the payment of the same being an express condition and consideration to be performed and paid by said company to the city of Peoria in addition to the other considerations and conditions herein mentioned, for the rights and franchises hereby granted and conferred. And said company shall make a true report under oath to the city council of the city of Peoria of the gross amount of said earnings by and through its president or treasurer at the end of every six months aforesaid, and said report shall be accompanied by the amount of money then due the

city under this and all other provisions of this ordinance and all amendments thereto. And the city council, by its committees, and the mayor, treasurer and clerk of said city, and any person or persons appointed by said council for that purpose, shall have the right at all times to investigate said company's books for the purpose of ascertaining the amount of said company's gross earnings as aforesaid.

**2040. Cars—How to be Kept, Operated and Maintained.]** § 14. All the cars used by said company shall be new when first used under this ordinance; they shall be not less than fourteen feet in length exclusive of platforms; said company shall at all times adopt and fit up its cars with all new improvements invented for the convenience and comfort of passengers; its cars shall be of the most approved make at the time of their first use upon the road, of good style and shall be kept at all times, when in use, clean and well ventilated, well lighted and, in winter, well heated. But on holidays, and on days when it may be necessary to accommodate the increased number of passengers occasioned by attendance upon fairs, shows, concerts and other entertainments of like character, said company may use the old cars purchased by it from said Central City Horse Railway Company as a part of a train of cars on said road: *Provided*, that said old cars shall be thoroughly cleaned, repaired, repainted and put in good, comfortable condition before being so used, and shall thereafter be kept in good condition when in use. *Provided, further*, said old cars may be used temporarily on said lines pending the construction of said new road and cars, not exceeding eighteen months after the date of this ordinance.

**2041. Cars—Time Between.]** § 15. Cars shall be run every day at intervals of not more than five minutes apart the entire length of Adams street, from 5:40 o'clock A. M. until 10 o'clock P. M., and all other divisions of said railroad between the hours of 5:40 and 7:40 o'clock A. M., and 5 and 7

o'clock P. M., not more than six minutes apart, and at all other times before 10 o'clock P. M., not more than eight minutes apart, and after 10 o'clock P. M. they shall be run on all said lines not more than fifteen minutes apart, the last cars run to leave the different stations of each division of said railway not earlier than 11 o'clock P. M., and every car must be run the entire length of the division on which it may start on any trip.

**2042. Cars—To be Numbered—On Different Routes How to be Designated.]** § 16. All cars shall be distinctly numbered both inside and outside, and the cars of the different routes running in part on the same track shall be distinguished by a different color, so far as practicable, and be appropriately lettered to indicate the streets or routes upon which the same run; and in the night shall, in all cases, be sufficiently distinguished by the form or color of the signal lights, and shall have lights on the sides as well as front and rear, so as to prevent the cars of different routes being mistaken for each other.

**2043. Conductors to be on Cars.]** § 17. Said company shall not suffer any car propelled by electricity to be run upon either Adams or Main street or any portion or part thereof, in the city, at any time unless the same shall be in charge of and under the control of some competent conductor, who shall be a person other than the driver or person in control of the motive power. Said conductor shall at all times, when on duty, wear a suitable uniform.

**2044. Broken or Damaged Car Not to be Used.]** § 18. No car shall be used by said company upon any of its respective lines which has a broken window, door, step or insufficient fastening, or is otherwise damaged, longer than during the day such breakage, insufficient fastening or damage may occur.

**2045. Rate of Fare—Transfer Tickets to What Lines.]** § 19. The rate of fare for a continuous trip in one direction shall not exceed five cents for any person. All passengers after paying one fare shall be entitled to receive transfer tickets for a continuous trip, which will pass them from the line of railway upon which said fare is paid to any point on any other line of street railway that is being now or may be hereafter operated by the said Central Railway Company.

The said company shall keep for sale at its office and upon all cars running on its lines passenger tickets in packages of twelve (12) each, which it shall sell for fifty cents; and each of such tickets shall be taken in payment of one continuous trip with all the rights of transfer and through carriage provided for in this section.

**2046. Cross-Walks or Street Intersections — Cars, How Stopped.]** § 20. No car shall be allowed to stop upon a crosswalk or in front of any intersecting street, except to avoid collision or prevent danger to persons or property in the street. When the conductor of any car is required to stop at the intersection of streets to receive or leave a passenger, the car shall be stopped so as to leave the rear platform slightly over the crossing.

**2047. Franchise Not Assignable Except — How.]** § 21. Said rights and franchises hereby granted to the Central Railway Company shall not be transferable nor assignable by said company to any individual or other company, except with the consent of the city council first had; nor shall said road nor any part thereof be sold or leased to any person or persons, company or corporation, nor consolidated with any other railway, nor any other railway acquired by it in this city without the city council of said city first authorizing the same to be done by ordinance. And in said ordinance other conditions may be imposed in consideration of granting said permission.



**2048. Injuries Resulting from Exercise of Rights.]**

§ 22. Said Central Railway Company shall be liable for and and pay to the persons, companies or corporations injured all damages which may result from the passage of this ordinance, or from carelessness, negligence or misconduct of said company, any agent or servant of said company, in the operation of said railway or railways which it may build, own, lease, or control; and said company shall save and keep harmless the said city of Peoria on account of any and all damages and costs in all causes of action that may be brought by or accrue to, any person or persons, company or corporation at any time hereafter, by reason of carelessness or negligence and by reason of the construction or operation of said railway, or any part of it, in which said city may be sued separately or impleaded with said company, or otherwise, including reasonable attorneys fees for the city attorney and for other counsel employed by said city in and about such suits if any.

**2049. Rights Reserved to City After Period of Nineteen Years.]**

§ 23. The city of Peoria hereby reserves the right to permit another railway company to enter upon any or all of the streets and avenues named in this ordinance in which rights of way are hereby granted to said Central Railway Company, at any time after nineteen years from the date of the passage of this ordinance, for the purpose of constructing or preparing to construct, a new line of street railway, the same to be so done as to cause the least obstruction and delay to the running of the cars of the Central Railway Company, possible.

**2050. Removal of Stables, Car Houses—When to be Done.]**

§ 24. Said Central Railway Company shall on or before the first day of April. A. D., 1891, take down or remove the stables, barns and car houses acquired by it from said Horse Railway Companies, now standing near the intersection of Knoxville avenue and Hamilton street and also standing on

Main street at the intersection of Ellis street, and the same shall be located at the ends of said lines of railway, furthest removed from the center of the city.

**2051. Rights of Company Subject to Forfeiture—When—Term of Grant.]** § 25. If the said railway company shall faithfully comply with the foregoing requirements of it, the right of said company to operate said railway shall extend to the full expiration of twenty years from the passage of this ordinance; otherwise the city council may declare said company's rights forfeited any time after thirty days' notice to it that its rights will be forfeited for its failure to comply with the requirements hereof, said notice to specify in general terms the matters complained of by the city council, and the company given an opportunity to comply with said requirements within thirty days. At the expiration of its rights hereunder said Central Railway Company shall remove its rails and ties and other properties from the streets and avenues occupied by it within sixty days and shall leave said streets and avenues paved and in as good condition as though the same had not been occupied by it; and the said Central Railway Company shall within thirty days after the date of the passage of this ordinance enter into a written agreement with the city of Peoria, to be duly executed by its president and secretary, under the corporate seal of said company, and filed in city clerk's office, and on the part of the city of Peoria to be signed by the mayor and countersigned and sealed with the city seal by the clerk of said city of Peoria, obliging said company and said city to abide by and perform the stipulations and provisions in this ordinance contained; which agreement, when executed shall be mutually binding upon both of said parties as a contract.

Passed in council May 16, A. D., 1889.

M. R. FAY,  
City Clerk.

JOHN WARNER,  
Mayor.

## 2. EAST BLUFF PEORIA HORSE RAILROAD COMPANY.

### Section.

- 2052. Grant of Right.
- 2053. Wires—How Strung.
- 2054. Poles—How Erected.
- 2055. Operation of Cars.

### Section.

- 2056. Fare—Tickets.
- 2057. Cars—Conductor.
- 2058. Repeal.

An ordinance amending “an ordinance granting right of way to the East Bluff Peoria Horse Railroad Company, in the city of Peoria,” passed by the city council on the 21st day of September, A. D. 1886; and also “an ordinance granting additional right of way to the East Bluff Peoria Horse Railroad Company,” passed in council December 21, A. D. 1886, granting permission to said company to operate its cars by electricity.

*Be it ordained by the city council of the city of Peoria:*

**2052. Grant of Right.]** § 1. That permission is hereby granted to the East Bluff Peoria Horse Railroad Company to operate with electricity the cars run on its line of street railroad, and to erect along Globe street, from its intersection with Main street, to Knoxville avenue, and thence along Knoxville avenue to the city limits, the usual and necessary poles, and to string thereon the usual and necessary wires for the operating of said cars by electricity, *provided* said company shall operate and use the same kind of car, or cars equally as good, as are now used and operated upon the lines of the Central Railway Company in said city, and that said cars shall not be run at a greater interval apart than eight minutes between the hours of 6 a. m. and 10 p. m.

**2053. Wires—How Strung.]** § 2. That said wires shall be suspended not less than eighteen and one-half (18½)

feet above the rails, and the said poles, or supports, shall be placed on an average of not less than one hundred and fifteen (115) feet apart, and to be set as near opposite the lot line wherever possible, except at the intersection of streets and avenues, where the said distance will place the poles, or supports, in the intersecting streets and avenues. Said poles or supports, shall be kept at all times neatly painted white. None of said poles, or supports, shall be placed nearer than fifteen (15) feet distance from all police and fire alarm, telegraph poles or any other poles to which said police and fire alarm wires may be attached. And, when in the judgment of the city electrician and city council it becomes necessary to elevate or remove the city's wires along the right of way hereby granted, so as to provide for the operation of the said road without the city's property being injured, all the expenses connected with such elevation or removal shall be at once paid to the city by said company upon demand being made therefor.

**2054. Poles—How Erected.]** § 3. That said poles and wires shall be erected and strung under the direction of the city engineer and street committee.

**2055. Operation of Cars.]** § 4. The East Bluff Peoria Horse Railroad Company shall operate its cars in connection with the Hurlburt street line of the Central Railway Company, making a continuous trip from Jackson's Corner via Knoxville avenue, Main, Washington and Hurlburt streets to the corner of Steubenville and McBean streets in said city.

**2066. Fare—Tickets.]** § 5. The rate of fare for a continuous trip in one direction shall not exceed five cents for any person. All passengers, after paying one fare, shall be entitled to receive transfer tickets for a continuous trip over the lines of the Central Railway Company, which will pass them from the line of railway upon which said fare is paid to any point on any other line of street railway that is now or

may be hereafter operated in connection with said company. That said company shall keep for sale at its office, and upon all cars running on its lines, passenger tickets in packages of twelve (12) each, which it shall sell for fifty cents; and each of such tickets shall be taken in payment of one continuous trip, with all the rights of transfer and through carriage as herein provided. All children of six years of age and under shall be passed free of charge.

**2057. Cars—Conductor.]** § 6. Said company shall not suffer any car propelled by electricity to be run upon its line of railroad or any portion or part thereof, at any time, unless the same shall be in charge of and under the control of some competent conductor who shall be a person other than the driver or person in control of the motive power. Said conductor shall, at all times when on duty, wear a suitable uniform. No car or cars shall be used upon the line of said company which has broken window, door, step, or insufficient fastenings, or is otherwise damaged, longer than during the day such breakage, insufficient fastening or damage may occur.

**2058. Repeal.]** § 7. That all ordinances and parts of ordinances in conflict with this amendment be and the same is hereby repealed.

Passed in council this 24th day of February, A. D. 1891.

M. R. FAY,

CHARLES C. CLARKE,

City Clerk.

Mayor.



## 3. FORT CLARK HORSE RAILWAY COMPANY.

## Section.

- 2059. Grant of Right of Way—Route.
- 2060. Motive Power.
- 2061. Poles and Wires.
- 2062. Poles and Wires—Manner of Erecting.
- 2063. Injury to Wire—Penalty.
- 2064. Conditions of Grant—Bond to City—  
Time Within, to Commence Work  
—Time for Completion—Culverts,  
Crossings, Etc.—Tracks to Conform  
to Grade—Paving Right of Way—  
Failure to Pave—Penalty—Con-  
struct Culverts When Necessary—  
Rails, Manner of Laying—Former  
Ordinances—Repeal.
- 2065. Manner of Removing Snow.
- 2066. Switches—How Laid.
- 2067. Rights Reserved.
- 2068. City May Grant Other Franchises.
- 2069. Rails—Kind of.
- 2070. Injury to Tracks, Etc.—Penalty.
- 2071. Consideration to be Paid for Fran-  
chise.

## Section.

- 2072. Cars—Kind of.
- 2073. Cars—Time of Running.
- 2074. Cars to be Numbered, Etc.
- 2075. Conductor Required on Car.
- 2076. Cars to be Kept in Repair.
- 2077. Fare.
- 2078. Street Crossing—Stopping Cars on.
- 2079. Sprinkle Right of Way.
- 2080. Franchise Not Transferable.
- 2081. Reservation of Rights.
- 2082. Right of Way Over Streets Not  
Opened.
- 2083. Crossing Other Street Railways.
- 2084. Bridges—Shall Widen.
- 2085. Negligence—Liability for.
- 2086. Interpretation of Ordinance.
- 2087. Compliance With.

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AN ORDINANCE—GRANTING THE FORT CLARK HORSE RAILWAY COMPANY THE RIGHT AND AUTHORITY TO CONSTRUCT, MAINTAIN AND OPERATE A DOUBLE AND SINGLE TRACK ELECTRIC STREET RAILWAY UPON, OVER AND ALONG CERTAIN STREETS AND AVENUES THEREIN NAMED IN THE CITY OF PEORIA.

*Be it ordained by the city council of the city of Peoria:*

**2059. Grant of Right of Way—Route.] § 1.** Subject to the provisions and regulations hereinafter made, and to the requirements of the general ordinances of said city, there is hereby granted to the Fort Clark Horse Railway Company, of the city of Peoria, Illinois, the right and authority to construct, maintain and operate a street railway, with the necessary sidetracks, turnouts and switches, in, on and along the surface of the following streets and avenues in said city, viz: A double track beginning at the city limits on Perry street, thence along Perry street to Abingdon street, thence along Abingdon street to Monroe street, thence along Monroe street to Cornhill street, thence along Cornhill street to Jefferson avenue, thence along Jefferson avenue to Abingdon street; a

single track from Abingdon street, along Jefferson avenue to the Galena road; thence along the Galena road to city limits; a double track beginning on Monroe street at the intersection of Cornhill and Monroe streets, thence along Monroe street to Hamilton street, thence along Hamilton street to Jefferson avenue, thence along Jefferson avenue to and across Franklin street to Second street, thence along Second street to Sanford street, thence along Sanford street to West Jefferson street or avenue, thence along West Jefferson street or avenue to the intersection of Spencer street; a single track across Spencer street to Brotherson street, thence along Brotherson street to and across Pecan street to Howett street, thence along Howett street to Western avenue, thence along Western avenue to Lincoln avenue, thence along Lincoln avenue to West Jefferson street or avenue, thence along West Jefferson street or avenue to the double track at the intersection of Spencer street. A double track from the intersection of Sanford street and Second Street, thence along Second street to Seventh avenue, thence along Seventh avenue to the city limits.

**2060. Motive Powers.]** § 2. Said company shall operate said railway and propel its cars by electric motive power, and not otherwise, except that in case of accident to machinery making it necessary, said cars may be propelled by animal power for a period not exceeding thirty days for any one accident. Provided, however, that said company shall only use animal power to propel its cars during the construction of the appliances for operating its road with electricity upon that portion of its tracks now laid and operated by said company with animal power, subject to the limits in this ordinance fixed for the completion of the construction of said electric appliances.

**2061. Poles and Wires.]** § 3. To enable said Fort Clark Horse Railway Company to operate said railway by

electricity said company is hereby authorized to erect suitable poles or supports along each side of the streets and avenues herein named, from the generator or power station, or stations, or car houses, provided said generator or power station, or stations, or car houses, are located along the right of way of said railway company, to and along the lines of said railway, and to connect the poles or supports by such wires as may be necessary for the transmission of power and the successful operation of said railway.

**2062. Poles and Wires—Manner of Erecting.] § 4.** The current wires of said company shall be suspended not less than eighteen and one-half ( $18\frac{1}{2}$ ) feet above the rails, and the poles or supports of said wires shall be placed on an average of not less than one hundred and fifteen (115) feet apart, and be set as near opposite the lot line as possible, except at the intersection of streets and avenues where said distance would place the poles or supports in the intersecting streets or avenues. Said poles or supports shall at all times be kept neatly painted mineral brown for the space of eight (8) feet above the ground, and the remaining portion of said poles or supports shall be painted white. Said poles or supports shall be located under the direction of the city council, through its committee of streets, alleys and bridges and the city electrician. None of said poles or supports shall be placed nearer than fifteen (15) feet distant from all police, fire alarm and telegraph poles, or any other poles to which said city wires may be attached. Said current wires shall be attached to galvanized span wires, gauge not less than number six (6) Brown and Sharp; the said span wires shall be attached to the poles by eye bolts. The said span wires to be well insulated from said eye bolts. Where there is a double track there shall be one guard wire over and along each current wire for its entire length; and where there is a single track there shall be one guard wire over and along the current wire for its entire length. All

guard wires and their supports shall be galvanized, gauge not less than No. 8, Brown and Sharp; said guard wires shall at all times be kept three (3) feet or more above said current wires. The current span wires shall at all times be kept clear of the span guard wires. And when in the judgment of the city electrician and the city council it becomes necessary to elevate or move any of the city's wires and poles on any of the streets or avenues on the right of way herein granted, or to move any of the city's wires and poles to some other street or avenue than along the right of way hereby granted, all the expense connected with such elevation or removal shall be at once paid to the city of Peoria by said company upon demand being made therefor. Whenever it becomes necessary to cross the current wires of any other street railway now operated in said city the said Fort Clark Horse Railway Company shall place its current wires over the current wires of said other street railway, and use the most approved appliances for making said crossings; and when said Fort Clark Horse Railway Company's wires cause any damage by coming in contact with the wires of any other street railway company now operated in said city, said damage shall be paid by said Fort Clark Horse Railway Company. The decision of the city electrician in the construction of this section shall be final so far as the same relates to the wires herein named, subject, however, to an appeal to the city council by the party aggrieved stating particularly the grounds of appeal.

**2063. Destroying Wire—Penalty.]** § 5. Any person other than the city electrician and employes of the city, who shall willfully remove or break any of the wires used by said railway company in the operation of its railway shall be fined in any sum not to exceed one hundred dollars (\$100) for each wire or part of wire, removed or broken.

**2064. Grant of Privileges—Conditions.]** § 6. The foregoing rights and privileges are granted upon the following conditions, viz:

*Clause First:* Within thirty days after the passage of this ordinance said Fort Clark Horse Railway Company shall cause to be deposited with the city clerk of the city of Peoria the bond of said company, legally executed to the city of Peoria, with sureties thereon to be approved by the city council in the sum of twenty-five thousand dollars (\$25,000), and conditioned that said company will strictly comply with the conditions hereinafter in this section of this ordinance imposed, making a compliance with this section of this ordinance the condition of said bond, and said bond shall provide the payment of the full penalty thereof into the treasury of said city as liquidated damages in case any of the conditions of said bond or ordinance shall be broken by said company. Said bond shall further be conditioned for the performance by the Fort Clark Horse Railway Company of the conditions imposed upon it by this ordinance, which are required to be performed by said company within four years from the passage of this ordinance; and if said company shall perform the conditions and requirements of this ordinance, then said bond to be null and void, otherwise the full penalty of said bond to be collected and turned into the city treasury as liquidated damages paid by said company for its failure to comply with the terms hereof; and the rights and privileges conferred by this ordinance shall be forfeited to the city, wholly and in every part, if the said company shall not have its said railway in operation in the manner herein provided on all the streets and avenues where the right of way is hereby granted to it by this ordinance within two years from the date of the passage of this ordinance.

*Provided, however,* that if said railway company shall be enjoined, restrained or prevented, by any legal proceedings, from prosecuting the construction of any part of its road, the time during which any injunction, prevention, or restraining order is in force, shall be added to the time within which said



company is to construct the lines of railway provided for in this ordinance.

**Limit to Commence Work.]** *Clause Second.* Said company shall commence constructing and remodeling the present tracks now operated by said company upon the streets over which the franchise herein granted extends and begin constructing the appliances for propelling cars and operating said road with electric motive power within four months after the date of the passage of this ordinance.

**Limit for Finishing Work.]** *Clause Third.* All of the present track, or tracks, of said Fort Clark Horse Railway Company upon the streets and avenues over which this franchise is granted, and upon which the cars are now propelled by animal power, except that portion now operated on Second street, between Sanford and Spencer streets, shall be fully equipped and in operation with electric appliances for propelling cars within twelve (12) months from the date of the passage of this ordinance, and of all the balance of the right of way herein granted shall be in operation with electricity within two years from said date.

**Culverts, Crossings and Gutters.]** *Clause Fourth.* Said company shall, under the direction of the city council, through its committee on streets, alleys and bridges and the city engineer, construct culverts across the full width of the streets and avenues, wherever made necessary, in the judgment of the city engineer or city council, by reason of the granting of this franchise, and in constructing its tracks said company shall not disturb, remove or displace any of the street crossings or gutters existing at the time, unless the same is permitted by the city council, and in case of the displacement or removal of any of said crossings or gutters by said company, it shall immediately after the construction of its tracks at said crossings restore said crossings, culverts and gutters, and shall thereafter, during the continuance of its rights under this ordinance,

maintain and keep in good repair all of said streets and avenue crossings and culverts the entire width of the right of way of said company.

**Tracks Shall Conform to Street Grade.]** *Clause Fifth.*

If at any time the city council should establish a grade on any street or avenue used or occupied by the track or tracks of said company, or should change the grade already established, the said railway company shall raise or lower its tracks to conform to said grade when notified so to do by the city council or city engineer, at the said Fort Clark Horse Railway Company's own cost and expense.

**Paving Right of Way.]** *Clause Sixth.* The said railway company shall pave its right of way the full width of fourteen (14) feet where double tracks are laid, and the full width of seven feet where a single track is laid. The pavement to be laid on said right of way by said company on the outside of the outside rails of said tracks, at the same time the abutting streets are paved; said pavement to be done in the following manner, that is to say: Said company shall within one year from the date of the passage of this ordinance, pave said right of way with good paving brick, satisfactory to the city council, on the following streets and avenues, viz: On Jefferson avenue from Franklin street to Hamilton street, on Hamilton street from Jefferson avenue to Monroe street. The said company shall pave its right of way with cobble stones, within one year from the above date, upon the following streets and avenues, viz: On Lincoln avenue its entire length to Western avenue, except that portion of said avenue which is now paved with brick, which said right of way for the distance said avenue is so paved, shall be paved with brick; on Western avenue its entire length; on Seventh avenue its entire length; and on Second street from Franklin street to Spencer street, except that part of Second street where said street is paved with brick, which said portion of said right of way

shall be paved with brick. On Jefferson avenue from Abingdon street to Galena road. All the balance of the right of way granted under this ordinance shall be paved with cobble stones or brick within three years from the date of the passage of this ordinance. On all streets over which said right of way is hereby granted that are paved with brick, where it is necessary to displace said pavement, the said company shall pay into the city treasury the cost of said pavement for the width of the right of way of said company, taken on said streets: *Provided, however*, where said company has paved its right of way with cobble stones, and the streets or avenues abutting upon such pavement are hereafter paved with brick or other material, said company is required to take up said cobble stone pavement and repave said right of way at the same time and with the same material with which said abutting streets and avenues are paved. All paving required to be laid by said company shall be laid and kept in repair with the same material originally used in said pavement, subject to the requirements herein contained, and at the expense of said company.

**Failure to Pave — Penalty.]** *Clause Seventh.* If said company shall fail to comply with the provisions of this section requiring it to repair a pavement on its right of way on any street or avenue after notice to do so by the city council, or city engineer, by service thereof on any officer of said company, for ten days after receiving such notice, said company shall forfeit and pay into the city treasury the sum of twenty-five dollars (\$25) per day for the time said company shall fail to put down or repair said pavement, as liquidated damages, the same to be recoverable of and from said company by the city of Peoria in an action of debt and said paving may be repaired by the city of Peoria at the expense of said company, and said company shall repay the cost thereof to the city on demand.

**Construction of Culverts When Necessary.]** *Clause Eighth.* Said railway company shall construct at all places, on

streets and avenues, where made necessary, in the judgment of the city council, by reason of the location and building of of said railway thereon, across the entire width of said streets and avenues, proper and sufficient culverts of such material as may be designated by the city council, to carry off all surface water collecting on or upon said streets or avenues upon or or over which the right of way to said company is hereby granted, and shall at its own expense keep and maintain the same in good condition and repair, continually, under its right of way, during its occupancy of said streets and avenues.

**Rails—Manner of Laying.]** *Clause Ninth.* The rails to be laid and used in the construction of said railway shall not be elevated above the surface of the street, but shall be so laid and used that their upper surface shall be flush with the pavement, and so that carriages and vehicles can safely cross said tracks at any and all points thereof and on turning a corner of any street the rails shall swing to the inside so as to leave both streets as clear as possible, but the city council shall at all times, through its committee on streets, alleys and bridges, and the city engineer, control the manner of laying such tracks, and may cause the same to be taken up and changed and relaid if their directions are not followed, and may give such directions as will be for the best interest of the public, which directions shall be by the company followed and obeyed.

**Former Ordinances, Etc.—Repeal.]** *Clause Tenth.* Upon the acceptance of this ordinance by the Fort Clark Horse Railway Company, all former ordinances passed by the city council of the city of Peoria granting franchises to the said Fort Clark Horse Railway Company upon, along and over any of the streets and avenues named in this ordinance, or any other streets or avenues in said city, and all contracts heretofore entered into by the city of Peoria with the said Fort Clark Horse Railway Company under or by virtue of any

ordinances of said city shall be surrendered, and forfeited wholly and in every part to the city of Peoria by the said Fort Clark Horse Railway Company; subject to the right of said Fort Clark Horse Railway Company to use its present tracks now operated in said city, under the conditions and requirements imposed by this ordinance, for a period of not exceeding two (2) years from the date of the passage of this ordinance.

**2065. Manner of Removing Snow.]** § 7. When said company shall remove snow from its tracks in the streets of the city by means of snow plows, or otherwise, it shall cause such snow to be levelled off in such a way as to make such streets safe and convenient for public travel, and it shall keep all crossings across its right of way clear of snow and debris at all times. And said company shall be required to clean its right of way upon any street or avenue upon notice from the superintendent of streets of said city, at the same time and places and for the same distance said streets and avenues are cleaned by said city.

**2066. Manner of Laying Turnouts and Switches.]** § 8. In all streets or avenues where two tracks are laid all the sidetracks, turnouts and switches permitted by this ordinance shall run from one track to the other, and shall in no case be laid outside of the main or double tracks, but spur tracks may be laid from the main track to the company's car-houses and power stations, provided the same are located along the right of way of said company. In no case, where single tracks are laid shall switches or turnouts be constructed, except to the car-houses or power stations along said right of way.

**2067. Reserved Rights.]** § 9. The city of Peoria reserves the right to disturb the track, or tracks, of said railway company when it shall become necessary for building or replacing sewers, laying water pipes, or for improving the



streets or performing any other of the city's improvements, the same to be done so as to cause the least delay in running the cars upon said tracks, and the tracks to be replaced and protected by said company at its own expense when removed or disturbed by the city for such purposes; but the city to replace paving where said right of way is paved. Said city also reserves the right to permit the company's wires to be disturbed at any and all times when necessary to enable said streets to be used for the purpose of moving houses, and for any other proper use of said streets by the public; the same to be done so as to cause the least delay possible to the business of said company.

**2068. Reserves Right to Grant Other Franchises.]**

§ 10. The right to grant the privilege of the use of the tracks of said company to any other street railway company is hereby expressly reserved to the city council; but the entire distance traversed by any other company on said Fort Clark Horse Railway Company's track shall not exceed four blocks, and then only at one point on the right of way of said Fort Clark Horse Railway Company: *Provided*, that such privileges shall not be granted to any other company that is not expressly required by its ordinance to concede, or will not concede, a like privilege, to said Fort Clark Horse Railway Company. *And, provided, further*, that the said privileges shall not be used when granted, so as to interfere unnecessarily with the traffic and business of said Fort Clark Horse Railway Company, and not until a fair compensation therefor shall be determined and paid. And in the event of the failure of said companies to agree on the amount of such compensation the city council of the city of Peoria shall be the judge, and shall fix the amount of compensation to be paid by said other company to the Fort Clark Horse Railway Company. And if said Fort Clark Horse Railway Company shall prevent or refuse to permit the use of said track or tracks after a ten-

der to it of the amount so fixed by the city council, by the party interested, said company shall thereby forfeit its rights on the street in controversy under said ordinance.

**2069. Kind of Rails to be Used.] § 11.** The rails used by said company shall be the flat rail, of Johnson make, or other rails presenting substantially the same surface, to be approved by the city council; the gauge of said track shall be four feet eight and one-half inches.

**2070. Rights Reserved as to Right of Way.] § 12.** The right is hereby reserved by the city council for carriages and all vehicles to travel over and along said tracks, but said carriages or vehicles shall in no manner or way interfere with the running of said cars nor in any way work unnecessary injury to said tracks or cars. And any person or persons who shall willfully or unnecessarily obstruct the passage of the cars of said company along its tracks, or willfully or unnecessarily injure said tracks or cars in any manner, shall, for each offense, be fined in any sum not exceeding twenty-five (\$25) dollars, nor less than one (\$1) dollar.

**2071. Consideration to be Paid City.] § 13.** The said Fort Clark Horse Railway Company shall, beginning at the expiration of eight years from the date of the passage of this ordinance, pay into the city treasury of the city of Peoria at the end of every six months thereafter, an amount equal to two (2) per cent. of the amount of the gross earnings for the said six months of the said Fort Clark Horse Railway Company, the payment of the same being an express condition and consideration to be performed and paid by said company to the city of Peoria, in addition to the other considerations and conditions herein mentioned, for the rights and franchises hereby granted and conferred; and said company shall make a true report, under oath, to the city council of the city of Peoria of the gross amounts of said earnings, by and through its president or treasurer at the end of every six months afore-

said, and said report shall be accompanied by the amount of money then due the said city under this and all other provisions of this ordinance and all amendments thereto; and the city council, by its committees, and the mayor, treasurer and clerk of said city, and any person or persons appointed by the city council for that purpose, shall have the right at all times to investigate said company's books for the purpose of ascertaining the amount of said company's gross earnings as aforesaid.

**2072. Kind of Cars to be Used.]** § 14. All the cars used by said company shall be new when first used under this ordinance; they shall not be less than fourteen (14) feet in length, exclusive of platform. Said company shall at all times adopt and fit up its cars with all new improvements invented for the convenience and comfort of passengers; its cars shall be of the most improved make at the time of their first use upon the road, of good style, and shall be kept at all times, when in use, clean and well ventilated, well lighted and, in winter, well heated. But on holidays, and on days when it may be necessary to accommodate the increased number of passengers occasioned by attendance at fairs, shows, concerts and other entertainments of like character, said company may use its old cars as part of a train of cars on said road: *Provided*, that said old cars shall be thoroughly cleaned, repaired, repainted and put in good, comfortable condition before being used, and shall thereafter be kept in good condition when in use: *Provided, further*, said old cars may be used temporarily on said lines pending the construction of said new road and cars, not exceeding two (2) years after date of the passage of this ordinance.

**2073. Time of Running Cars.]** § 15. For the better regulating the running of cars upon the right of way herein granted to the Fort Clark Horse Railway Company it is hereby ordained that a car shall leave two certain points or stations and run in opposite directions on the line of said right

of way at the times hereinafter designated. Said stations shall be located at the intersection of Lincoln avenue and Western avenue, and at the intersection of the city limits and Perry street. All cars of said company, on each division of said railway, shall be run every day at intervals of not over eight (8) minutes. A car shall leave each of said stations above designated not later than 6:15 o'clock a. m., and a car shall leave each of said stations not earlier than 11 o'clock p. m., except on Sundays when said cars may leave the respective points one hour later in the morning, and all regular cars shall run the entire length of the regular trips on every trip, on each division of said road. One of the divisions of said road shall be from Seventh avenue to the city limits on Perry street; the other division of said road shall be from Lincoln avenue to the Galena road.

**2074. Cars to be Numbered, &c.]** § 16. All cars shall be distinctly numbered, both inside and outside, and the cars of the different routes running in part on the same track shall be distinguished by a difference of color, so far as practicable, and be appropriately lettered to indicate the streets or routes upon which the same run, and, in the night, shall in all cases, be sufficiently distinguished by the form or color of signal lights, and shall have lights on the sides as well as front and rear, so as to prevent the cars of different routes being mistaken for each other.

**2075. Conductor.]** § 17. Said company shall not suffer any car propelled by electricity to run any of its lines at any time unless the same shall be in charge of, and under the control of some competent conductor, other than the man in charge of the motor power, who shall be familiar with the localities and streets along the right of way hereby granted to said company. The name of each street along the line of said right of way, as approached by any car containing passengers, shall be called by the conductor in charge of said car.

**2076. Cars to be Kept in Repair.]** § 18. No car shall be used by said company upon any of its respective lines which has a broken window, door, step, or insufficient fastening, or is otherwise damaged, longer than during the day such breakage, insufficient fastening or damage may occur.

**2077. Fare.]** § 19. The rate of fare for a continuous trip in one direction shall not exceed five cents for any person. All passengers after paying one fare, shall be entitled to receive transfer tickets for a continuous trip, which will pass them from the line of railway upon which said fare is paid to any point on any other line of street railway that is being now, or may be hereafter, operated by the said Fort Clark Horse Railway Company; said company shall give passengers transfer tickets before the car, on which said transfer ticket is requested by any passenger, reaches the junction of the division of said line to which said passenger desires to be transferred.

The said company shall keep for sale at its office and upon all cars running on its lines passenger tickets in packages of twelve (12) each, which it shall sell for fifty cents; and each of such tickets shall be taken in payment of one continuous trip with all the rights of transfer and through carriage provided for in this section. Every child of six years of age and under, accompanied by its parent or guardian, shall be passed free of charge.

**2078. Street Crossings—Cars Not to Stop on.]** § 20. No car shall be allowed to stop upon a cross walk or in front of any intersecting street, except to avoid a collision or prevent danger to persons or property in the street. When the conductor of any car is required to stop at the intersection of streets to receive or leave a passenger, the car shall be stopped so as to leave the rear platform slightly over the crossing.

**2079. Sprinkle Right of Way.]** § 21. Said Fort Clark Horse Railway Company, shall during the dusty seasons of



the year, when ordered, or required to do so by the city council, keep its right of way, or such portions of its right of way, as designated in the order of the city council, sprinkled in such a manner that the dust arising from the operating of its cars upon its lines over said right of way, shall cause no inconvenience to the public, or the passengers riding upon the cars of said railway company: *Provided*, the said city of Peoria shall furnish the water for said sprinkling from the hydrants along the right of way of said company, by order upon the Peoria Water Company.

**2080. Franchise Not Transferable.]** § 22. Said rights and franchises hereby granted to the Fort Clark Horse Railway Company shall not be transferable or assignable by said company to any individual or other company, except with the consent of the city council first had; nor shall said road, or any part thereof, be sold or leased to any person or persons, company or corporation, or consolidated with any other railway, or any other railway acquired by it in this city, without the city council of this city first authorizing the same to be done by ordinance; and in said ordinance other conditions may be imposed in consideration of granting said permission.

**2081. Reservation of Rights.]** § 23. The city of Peoria hereby reserves the right to permit another railway company to enter upon any or all of the streets and avenues named in this ordinance in which rights of way are hereby granted to said Fort Clark Horse Railway Company, at any time after nineteen (19) years from the date of the passage of this ordinance, for the purpose of constructing, or preparing to construct a new line of street railway, the same to be so done as to cause the least obstruction and delay to the running of the cars of the said Fort Clark Horse Railway Company possible.

**2082. Right of Way Over Streets Not Opened.]** § 24. All parts of streets and avenues in said city over which the

right of way is hereby granted to the said Fort Clark Horse Railway Company which are not opened and dedicated to the public, the said city of Peoria shall pass all necessary ordinances for condemning of said streets and avenues, or any part of them, as soon as possible, and the said Fort Clark Horse Railway Company shall pay to the said city of Peoria all costs and damages for the condemning and opening of said streets and avenues upon demand being made upon said company for the same.

**2083. Crossing Other Street Railways.] § 25.** Wherever it becomes necessary on the line of the right of way, hereby granted to said Fort Clark Horse Railway Company, to cross the tracks of any other street railway company, now operated in the city of Peoria, the said Fort Clark Horse Railway Company shall, at its own expense, put down and maintain all of said street railway crossings.

**2084. Bridges—Shall Extend.] § 26.** Said Fort Clark Horse Railway Company shall extend the bridge on Jefferson avenue at or near the intersection of Grant street and said avenue, so as to leave a passage way on said avenue for vehicles, thirteen (13) feet wide between the rail of said company's track and the curb line on the easterly side of said avenue, and said company shall at its own cost and expense fill in the roadway where necessary on the easterly side of said company's said right of way, on said avenue for the width of thirteen (13) feet.

**2085. Liability for Negligence.] § 27.** Said Fort Clark Horse railway Company shall be liable for and pay to the persons, companies or corporations injured all damages which may result from the passage of this ordinance or from carelessness, negligence or misconduct of said company, or any agent or servant of said company, in the operation of said railway or railways which it may build, own, lease or control, and said company shall save and keep harmless the said city

of Peoria on account of any and all damages and costs in all causes of action that may be brought by, or accrue to, any person or persons, company or corporation, at any time hereafter, by reason of carelessness or negligence, and by reason of the construction and operation of said railway, or any part of it, in which said city may be sued separately or impleaded with said company, or otherwise, including reasonable attorney's fees for the city attorney and for other counsel employed by said city in or about such suits, if any.

**2086. Interpretation.]** § 28. It is expressly understood and the Fort Clark Horse Railway Company consents and agrees by accepting this ordinance that in interpreting, construing, and giving effect to this ordinance, each and every expression used, if any, which is susceptible of more than one interpretation or meaning the interpretation and meaning most favorable, and best protects the interest of the city of Peoria, and the inhabitants thereof shall be adopted.

**2087. Compliance With Ordinance.]** § 29. If the said railway company shall faithfully comply with the foregoing requirements of this ordinance, the right of said company to operate said railway shall extend to the full expiration of twenty (20) years from the passage of this ordinance, otherwise, the city council may declare said company's rights forfeited any time after thirty (30) days' notice to said company, that its rights will be forfeited for its failure to comply with the requirements hereof. Said notice shall particularly specify the matters complained of by the city council, and the company to be given an opportunity to comply with said requirements within thirty (30) days.

At the expiration of its rights under this ordinance, said Fort Clark Horse Railway shall remove its rails and ties and other properties from the streets and avenues occupied by it within sixty (60) days, and shall leave said streets and avenues paved and in as good condition as though the same had not

been occupied by it; and the said Fort Clark Horse Railway Company shall, within thirty days after the date of the passage of this ordinance, enter into a written agreement with the city of Peoria, to be duly executed by its president and secretary, under the corporate seal of said company, and filed in the city clerk's office, and on the part of the city of Peoria to be signed by the mayor and countersigned and sealed with the city seal by the clerk of said city of Peoria, obligating said company and said city to abide by and perform the stipulations and provisions in this ordinance contained. Which agreement, when executed, shall be mutually binding upon both of said parties as a contract.

Passed in council this 18th day of May, A. D. 1891.

M. R. FAY,

City Clerk.

CHARLES C. CLARKE,

Mayor.

## JENNEY ELECTRIC LIGHT AND POWER COMPANY.

### Section.

2088. Proposal for Lighting.

2089. Acceptance—Conditional.

### Section.

2090. Public Lighting.

2091. Consideration for City Lighting.

A CONTRACT AND ORDINANCE ACCEPTING THE PROPOSAL OF THE JENNEY ELECTRIC LIGHT AND POWER COMPANY OF PEORIA, ILLINOIS, FOR THE PUBLIC LIGHTING OF THE CITY OF PEORIA, ILLINOIS, FOR A PERIOD OF FIVE YEARS FROM THE 1ST DAY OF NOVEMBER, A. D. 1891:

**2088. Preamble.]** WHEREAS, The city of Peoria in the State of Illinois, did on to-wit, the 28th day of March, 1891, and for several days thereafter advertise in THE PEORIA DAILY TRANSCRIPT, the official organ of said city, for bids for the lighting of said city by electricity in the manner as specified in said advertisement, which said advertisement was in the following words, to-wit:

## SEALED PROPOSALS FOR ELECTRIC LIGHTING.

Sealed proposals for lighting the city of Peoria with electricity will be received at the city clerk's office until noon, April 18th, 1891.

Proposals shall be made on the following basis, to-wit:

For 300 to 400 arc lights of not less than 2,000 candle power each.

A full and complete description of plant, system and method of lighting shall be required of each bidder.

A certified check for \$10,000.00 on some Peoria bank made payable to the order of the mayor of Peoria must accompany each proposal.

Contract from one to five years.

The city reserves the right to reject any or all bids.

By order of city council.

City Hall, Peoria, March 27, 1891.

M. R. FAY, City Clerk.

AND, WHEREAS, in answer to said advertisement for proposals for the lighting of said city in the manner as therein specified, the Jenney Electric Light and Power Company of Peoria, Illinois, submitted its proposal for the lighting of said city in the following words and figures, to-wit:

PEORIA, Ill., April 18th, 1891.

*To the Mayor and Alderman of the City Council, Peoria, Illinois—Gentlemen:* The Jenney Electric Light & Power Co., of Peoria, Ill., propose to light the city of Peoria, with from three hundred to four hundred double arc electric lamps, as may be desired, of the standard two thousand candle power, to be lit every night and all night except when it is moonlight, on the following terms:

Our system is the Thompson-Houston dynamo, double arc lamp. For a more full description of our plant, will refer you to our plant as now operated in this city, and recently inspected by your honorable body.

For a contract for one year	\$	102.00	per lamp.
For a contract for two	"	99.00	" "
For a contract for three	"	96.00	" "
For a contract for four	"	93.00	" "
For a contract for five	"	90.00	" "



It is understood that should we be favored with the contract, an ordinance granting us permission for right of way to erect poles and wire for private and commercial lighting, shall be passed.

Inclosed find certified check for \$10.000, made payable to the order of C. C. Clarke, mayor..

Respectfully Yours,

THE JENNEY ELECTRIC LIGHT AND POWER CO.

By LESLIE ROBISON, Pres."

AND, WHEREAS, on the 21th day of April, 1891, the council committee on gas lights and lamps of said city reported to said city council in favor of awarding the contract for the lighting of the city of Peoria to the said Jenney Electric Light and Power Company of Peoria, Illinois, for a period of five years from the 1st day of November, 1891, in accordance with the proposal of said company as above set forth; and the said city on to-wit: The 21st day of April, 1891, did adopt the report of said committee and award the said company the contract for the lighting of the city of Peoria in the manner as in said proposal of said Jenney Electric Light and Power Company contained; therefore,

**2089. Acceptance of Proposal — Conditions.]** *Be it ordained by the city council of the city of Peoria:* § 1. That the said city of Peoria accepts the proposal of the said Jenney Electric Light and Power Company for the lighting of said city in the manner as contained in the proposal of said company, as set forth in the above and foregoing preamble of this contract-ordinance, and that subject to the provisions of this ordinance, and the requirements of the general ordinances of the city of Peoria, the Jenney Electric Light and Power Company is hereby authorized and empowered to erect and maintain the necessary poles or other supports along the streets, avenues and alleys of said city and place wires thereon, as herein designated, and use the same for transmitting currents

of electricity for the lighting of said city and for private and commercial lighting for a period of five (5) years from the first day of November, A. D. 1891. The said city reserves the right to require said company to change at its own expense the location of the poles, lights and wires of said company in any of the streets, avenues or alleys of said city: *Provided, however*, that said company shall not be required to change the location of more than eight lights in any one year during the term of this contract.

In no case shall the wires of said company be placed within six (6) feet of the wires of said city, nor on the same side of any street, avenue or alley parallel with the city's wires; and wherever said company's wires cross the wires of said city, said company shall at its own expense, if necessary, raise or lower the wires of said city, under the direction of said city.

Said company shall not be permitted to erect poles or supports or to string wires on any of the alleys running through blocks twelve (12), thirteen (13), fourteen (14), fifteen (15), twenty-one (21), twenty-four (24) and thirty-one (31) in the original town, now city of Peoria. The wires of said company shall be well insulated when first put up, and be kept insulated continually thereafter. If at any time said company shall fail to get the contract for the public lighting of said city, then and in that case said company at its own expense shall remove the poles and wires from the streets, avenues and alleys of said city.

The poles or supports shall be placed under the direction of said city so as to enable said company to most effectually furnish light to the city and citizens of Peoria, and, if by the fault of said company, any damage should result to the city or any person from said supports or wires or from any current of electricity thereon, the company and not the city shall be liable therefor, and the said company shall hold the said city harmless from all such damages.

**2090. Public Lighting.]** § 2. This grant, and the said proposal of said company, is accepted upon the express condition that said Jenney Electric Light and Power Company shall supply the necessary machinery and power and furnish and maintain for the public lighting of the city of Peoria from three (300) hundred to four (400) hundred double arc electric lamps, each lamp to be of the standard two thousand (2,000) candle power as designated in said proposal, and to be kept and operated all night and every night, for a period of five (5) years from the first day of November, A. D. 1891, except when it is moonlight.

**2091. Consideration for City Lighting.]** § 3. The city of Peoria shall pay said company ninety (\$90) per year for each and every light so maintained, payable monthly for the previous month's light, at the rate of seven dollars and fifty cents (\$7.50) for each light for said period of five years and no longer; and in case said company shall suffer or permit any light or lights to go or be out, and remain out, one and one-half ( $1\frac{1}{2}$ ) hour, when the same should be lighted under the terms imposed by this ordinance, the company shall forfeit the pay for such light or lights so out the sum of twenty-five (25) cents. The said city shall keep a record showing the location of all lights out, subject at all times to the inspection of the officers of said company, its agent or employes.

In case said company shall fail to keep the lights continually up to the standard as in said proposal contained, unavoidable accidents excepted, the city council may cancel this contract.

Passed in council this 4th day of August, A. D. 1891.

CHARLES C. CLARKE, Mayor.

M. R. FAY, City Clerk.

## 5. PEORIA RAPID TRANSIT COMPANY.

## Section.

- 2092. Grant of Right—Streets.
- 2093. Motive Power.
- 2094. Poles—Right to Erect.
- 2095. Wires—How Suspended—Poles—How Set.
- 2096. Removing or Breaking Wires—Penalty.
- 2097. Terms of Grant—Give Bond—Condition—To Construct Culverts—When—Change of Grade—Tracks to Conform—Paving Right of Way—When—How—Failure to Repair Pavement—Forfeiture—Culverts—Rails Used—How Laid.
- 2098. Removing Snow—How.
- 2099. Side Tracks—How Laid.
- 2100. Rights Reserved as to Public improvements.
- 2101. Right to Grant Use of Tracks—Compensation.
- 2102. Rail Used—Gauge of Track.
- 2103. Vehicles—Right to Use Tracks—Injury to, etc.—Penalty.

## Section.

- 2104. Cars.
- 2105. Running Time of Cars.
- 2106. Cars—Numbered, etc.
- 2107. Conductor on Cars.
- 2108. Damaged Cars—Not to be Used.
- 2109. Rate of Fare—Tickets.
- 2110. Cars—How Stopped.
- 2111. Right of Way Sprinkled—When.
- 2112. Franchise Not Assignable—Except, etc.
- 2113. Right of City After Nineteen Years.
- 2114. Condemnation Suits.
- 2115. Crossing Other Tracks—Who to Maintain Crossing.
- 2116. Injuries Resulting from Exercise of Right.
- 2117. Construction of Ordinance—Acceptance.
- 2118. Limitation of Grant—Duties of Companies on.

AN ORDINANCE GRANTING TO THE PEORIA RAPID TRANSIT COMPANY THE RIGHT TO CONSTRUCT AND OPERATE AN ELECTRIC STREET RAILWAY OVER CERTAIN STREETS AND AVENUES IN THE CITY OF PEORIA.

*Be it Ordained by the city council of the city of Peoria:*

**2092. Grant of Right—Streets.] § 1.** Subject to the provisions and regulations hereinafter made, and to the requirements of the general ordinances of said city, there is granted to the Peoria Rapid Transit Company the right and authority to construct and operate a street railway, with the necessary side-tracks, turn-outs and switches, in, on and along the surface of the several streets and avenues in said city, viz:

Commencing at the center of Main street near its intersection with Monroe street a double track shall be built and operated along said Monroe street to the intersection of Monroe and Fulton streets; thence a single track along Fulton street to Sixth street; thence a single track along Sixth street to Shipman street; thence a single track along Shipman street

from Sixth street to near the center of Fifth street; thence a double track from near the center of Fifth street along Shipman street to Third street; thence a double track along Third street from Shipman street to Saratoga street; thence a double track along Saratoga street to First street; thence a single track along First street from Saratoga street to Sand street. Also commencing at the proper places at the intersection of Fifth and Shipman streets, to connect with the tracks above mentioned, a single track shall be built and operated along Fifth street to Franklin street; thence a single track along Franklin street to Monroe street; thence a single track along Monroe street to join with said double track at Fulton street. Permission is also granted to said company to operate its cars on the right of way of the Central Railway Company on Main street from Monroe street to Adams street upon complying with the requirements and conditions of the ordinance granting a franchise to the said Central Railway Company.

**2093. Motive Power.]** § 2. Said company shall operate said railway and propel its cars by electric motive power and not otherwise, except that in case of accident to machinery making it necessary, said cars may be propelled by animal power for a period not exceeding thirty days for any one accident: *provided*, that said company may use animal power to propel its cars during the construction of the appliances for operating its road with electricity, subject to the limits in this ordinance fixed for the completion of said construction of said electric appliances.

**2094. Poles—Right to Erect.]** § 3. To enable said company to operate said railway by electricity, it is hereby authorized to erect suitable poles or supports along each side of the streets and avenues herein named from the generator or power station, or stations, or car houses, provided said generator, or station, or stations, or car houses are located along the right of way of said railway company herein granted, to



and along the lines of said railway, and to connect the poles or supports by such wires as may be necessary for the transmission of power and the successful operation of said railway; and in case said company shall obtain its electric power from the Central Railway Company, said Peoria Rapid Transit Company is authorized to erect and maintain the necessary poles and to string thereon the necessary wires to connect with the wires of said Central Railway Company, at the intersection of Main and Monroe streets, and also to erect poles and string thereon an insulated wire along Shipman street from Third street to Hurlburt street to be used in feeding its said wires from those of the Central Railway Company.

**2095. Wires How Suspended—Poles How Set.] § 4.** The current wires shall be suspended not less than eighteen and one-half feet above the rails and the said poles or supports of said wires shall be placed on an average of not less than one hundred and fifteen feet apart and to be set as nearly opposite the lot line as possible except at the intersection of streets and avenues where the said distance will place the poles or supports in the intersection of streets or avenues. Said poles or supports shall be kept at all times neatly painted black or brown color for a distance of eight feet from the ground, and the remaining portion thereof shall be painted white. Said poles shall be located under the direction of the city council through its street committee and electrician. None of said poles or supports shall be placed nearer than fifteen (15) feet distance from all police and fire alarm telegraph poles or any other poles to which said police or fire alarm wire may be attached. Said current wires shall be attached to galvanized span wires, gauge not less than No. 6, "Brown & Sharp." The span wires shall be attached to the poles by eye bolts; the said span wires shall be well insulated from said eye bolts. Where there is a double track there shall be one guard wire over and along each current wire for its entire length, and where there is a single track there shall be one

guard wire over and along the current wire for its entire length; all guard wires and their supports shall be galvanized, gauge not less than No. 8 "Brown & Sharp;" said guard wires shall at all times be kept three feet or more above said current wires. The current span wires shall at all times be kept clear of the span guard wires. When, in the judgment of the city electrician and the city council, it becomes necessary to elevate or move any of the city's wires and poles on any of the streets or avenues on the right of way herein granted, or to move any of the city's wires or poles to some other street or avenue than along the right of way hereby granted, all the expense connected with such elevation or removal shall be at once paid to the city of Peoria by said company upon demand being made therefor. Whenever it becomes necessary to cross the current wires of any other street railway now operated in said city, said Peoria Rapid Transit Company shall place its current wires over the current wires of said other street railway and use the most approved appliances for making such crossings; and when said Peoria Rapid Transit Company's wires cause any damage by coming in contact with the wires of any other street railway now operated in said city, said damage shall be paid by the said Peoria Rapid Transit Company.

The decision of the city electrician in the construction of this section shall be final so far as the same relates to the wires herein named, subject, however, to an appeal to the city council by the party aggrieved stating particularly the grounds of appeal.

**2096. Removing or Breaking Wires—Penalty.] § 5.**

Any person, other than the city electrician and employes of the city, who shall wilfully remove or break any of the wires used by said railway company in the operation of its railway, or any guard wire, shall be fined in any sum not to exceed one hundred dollars (\$100) for each wire, or part of wire removed or broken.

**2097. Terms and Conditions on Which Franchise Granted.]** § 6. The foregoing rights and privileges are granted upon the following named conditions, viz:

*Clause First.* Within thirty days after the passage of this ordinance said Peoria Rapid Transit Company shall cause to be deposited with the city clerk of said city the bond of said company to the city of Peoria, legally executed, with securities thereon to be approved by the city council, in the sum of fifteen thousand dollars (\$15,000), and conditioned that said company will strictly comply with the conditions hereinafter in this section of this ordinance imposed, making a compliance with this section of this ordinance the condition of said bond; and said bond shall provide the payment of the full penalty thereof into the city treasury of said city as liquidated damages, in case any of the conditions of said bond, or of this ordinance, shall be broken by said company. Said bond shall be further conditioned for the performance by the Peoria Rapid Transit Company of the conditions imposed upon it by this ordinance which are required to be performed by said company within four years from the date of the passage of this ordinance; and, if said company shall perform the conditions and requirements of this ordinance, then said bond to be null and void, otherwise the full penalty of the said bond to be collected and turned into the city treasury as liquidated damages paid by said company for its failure to comply with the terms hereof; and the rights and privileges conferred by this ordinance shall be forfeited to the city wholly and in every part if the said company shall not have its said railway in operation in the manner herein provided on all of the streets and avenues where the right of way is hereby granted to it by this ordinance within one year from the date of the passage of this ordinance: *Provided, however,* that if said railway company shall be enjoined, restrained or prevented by any legal proceeding from prosecuting the construction of any part of its road, the time during which any injunction, prevention, or re-

straining order is enforced shall be added to the time within which said company is to construct the line of railway provided for in this ordinance.

**Company to Construct Culverts—When.]** *Clause Second.* Said company shall, under the direction of the city council through its committee on streets, alleys and bridges and the engineer, construct culverts across the full width of the streets and avenues wherever made necessary in the judgement of the city engineer or city council, by reason of the granting of this franchise; and in constructing its tracks said company shall not disturb, move or displace any of the street crossings or gutters existing at the time unless the same is permitted by the city council, and in case of the displacement or removal of any of said crossings or gutters by said company, it shall immediately after the construction of its tracks at said crossing, restore said crossings culverts and gutters, and shall thereafter during the continuance of its rights under this ordinance, maintain and keep in good repair all of said street and avenue crossings and culverts the entire width of the right of way of said company.

**Change of Grade—Tracks to Conform.]** *Clause Third.* If at any time the city council shall establish a grade on any street or avenue used or occupied by the track or tracks of said company, or should change the grade already established, the said railway company shall raise or lower its tracks to conform to said grade when notified so to do by city council or city engineer, at the said Peoria Rapid Transit Company's own cost and expense.

**Paving Right of Way—How--When.]** *Clause Fourth.* The said railway company shall pave its right of way the full width of fourteen feet where double tracks are laid, and the full width of seven feet where single track is laid; the pavement to be laid on said right of way by said company on the outside of the outside rails of said tracks at the same time the

abutting streets are paved. Said company shall pave its right of way on Fifth and Sixth streets, except as herein provided, with Ottawa brick or other brick equally as good, within one year from the date of the passage of this ordinance. On all other streets and avenues said company's right of way thereon, within two years from the passage of this ordinance, shall be paved as herein provided, with brick or cobblestone in such a manner as the city council shall order. On all streets and avenues over which said right of way is hereby granted that are paved with brick, where it is necessary to displace said pavement, the said company shall pay into the city treasury the cost of such pavement for the width of the right of way of said company taken on said streets or avenues; provided, however, that where said company has paved its right of way with cobblestone and the streets or avenues abutting upon such pavement are hereafter paved with brick or other material, said company is required to take up said cobblestone pavement and repave said right of way at the same time and with the same material with which said abutting streets or avenues are paved. All paving required to be laid by said company shall be laid and kept in repair with the same material used in said pavement, subject to the requirements herein contained, and at the expense of said company.

**Failure to Repair Pavement After Notice—Forfeiture.]**

*Clause Fifth.* If said company shall fail to comply with the provisions of this section requiring it to repair a pavement on its right of way on any street or avenue, after notice to do so by the city council or city engineer by service thereof upon any officer of said company, for ten days after receiving said notice, said company shall forfeit and pay into the city treasury the sum of twenty-five dollars (\$25) per day for the time said company shall fail to put down or repair said pavement, as liquidated damages, the same to be recoverable of and from said company by the city of Peoria in an action of debt;



and the said paving may be repaired by the city of Peoria at the expense of said company, and said company shall repay the cost thereof to the city upon demand,

**Culverts—Company to Construct and Maintain.]**

*Clause Sixth.* Said railway company shall construct at all places on streets and avenues where made necessary, in the judgment of the city council, by reason of the location and building of said railway thereon, across the entire width of said streets and avenues, proper and sufficient culverts, of such material as may be designated by the city council, to carry off all surface water collecting upon said streets and avenues upon or over which the right of way of said company is hereby granted, and shall at its own expense keep and maintain the same in good condition and repair continually under its right of way during the occupancy of said streets and avenues.

**Rails Used—How to be Laid.]** *Clause Seventh.*

The rails to be laid and used in the construction of said railway are not to be elevated above the surface of the street, but shall be laid and used so that their upper surface shall be flush with the pavement, and so that carriages and vehicles can safely cross said tracks at any and all points thereof; and in turning a corner of any street, the rails shall swing to the inside so as to leave both streets as clear as possible; but the city council shall at all times, through its committee on streets, alleys and bridges, and the city engineer, control the manner of laying said tracks, and may cause the same to be taken up and changed and relaid if their directions are not followed, and to give such directions as will be for the best interests of the public, which directions shall be, by the company, followed and obeyed.

**2098. Removal of Snow—How.]** § 6. When said company shall remove snow from its tracks in the streets of the city by means of snow plows, or otherwise, it shall cause such snow to be leveled off in such a way as to make such

streets safe and convenient for public travel, and shall keep all crossings across its right of way clear of snow and debris at all times. Said company shall be required to clean its right of way upon any street or avenue upon notice from the superintendent of said city, at the same time and places and for the same distance said streets and avenues are cleaned by said city.

**2099. Side Tracks—How Laid.]** § 7. In all streets or avenues where two tracks are laid, all the side tracks, turn-outs and switches permitted by this ordinance shall run from one track to the other, and shall in no case be laid outside of the main or double tracks, but spur tracks may be laid from the main track to the company's car-houses and power stations provided the same are located along the right of way of said company; in no case where single tracks are laid shall switches or turn-outs be constructed except to the car-houses or power stations along said right of way.

**2100. Rights Reserved as to Public Improvements.]** § 8. The city of Peoria reserves the right to disturb the track or tracks of said railway company when it shall become necessary for building or replacing sewers, laying water pipes, or for improving the streets, or performing any of the city's improvement, the same to be done so as to cause the least delay in running the cars upon said tracks, and the tracks to be replaced and protected by said company at its own expense when removed or disturbed by the city for such purposes, but the city to replace paving where said right of way is paved. Said city also reserves the right to permit the company's wires to be disturbed at any time and all times when necessary to enable said streets to be used for the purpose of moving houses, and for any other proper use of said streets by the public; the same to be done so as to cause the least delay possible to the business of said company; provided, however, that

when said wire or wires are disturbed, it shall be done under the supervision of said company, after first giving twenty-four hours' notice to said company.

**2101. Right Reserved to Grant Use of Tracks—Compensation.]** § 9. The right to grant the privilege of the use of the tracks of said company to any other street railway company is hereby expressly reserved to the city council; *Provided*, that the applicant for such privilege shall not be a direct competitor for any considerable distance with said Peoria Rapid Transit Company's lines; and the entire distance traversed by any one company on said Peoria Rapid Transit Company's tracks shall not exceed two blocks, and no one company shall be allowed the use of said tracks at more than one place; *provided*, further, that said privilege shall not be granted to any other company that is not expressly required by its ordinance to concede, or that will not concede, a like privilege to said Peoria Rapid Transit Company; and, *provided*, further, that the said privilege shall not be used and granted so as to interfere materially with the traffic and business of the said Peoria Rapid Transit Company and not until a fair compensation therefor shall be determined and paid. In the event of the failure of said companies to agree on the amount of such compensation, the city council of Peoria shall be the judge and shall fix the amount of compensation to be paid by said other company to the Peoria Rapid Transit Company. If the said Peoria Rapid Transit Company shall prevent or refuse to permit the use of said track or tracks as aforesaid, after a tender to it of the amount so fixed by the city council, by the party interested, said company shall thereby forfeit its rights on the streets in controversy under this ordinance.

**2102. Rail Used—Gauge of Tracks.]** § 10. The rails used by said company shall be the flat rail of Johnson, or

other rails presenting substantially the same surface, to be approved by the city council. The gauge of said tracks shall be four (4) feet and eight (8) inches.

**2103. Vehicles—Right to Use Tracks—Injury to Cars or Track—Penalty.**] § 11. The right is hereby reserved by the city council for carriages and all vehicles to travel over and along said tracks, but said carriages or vehicles shall in no manner or way interfere with the running of said cars, nor in any way to work unnecessary injury to said tracks or cars. Any person or persons who shall wilfully or unnecessarily obstruct the passage of the cars of said company along its tracks or wilfully or unnecessarily injure said tracks or cars in any manner shall, for each offense, be fined in any sum not exceeding twenty-five dollars (\$25) nor less than one dollar (\$1).

**2104. Cars.]** § 12. All the cars used by said company shall be not less than fourteen (14) feet in length, exclusive of platforms. Said company shall at all times adopt and fit up its cars with all new improvements invented for the convenience and comfort of passengers; its cars shall be of the most improved make at the time of their first use upon the road, of good style, and shall be kept at all times when in use, clean and well ventilated, well lighted, and, in winter, well heated.

**2105. Cars—Running Time Apart.]** § 13. Cars shall be run every day over said entire route at intervals of not more than ten (10) minutes apart, the first car to leave the starting point, which shall be at the corner of Sand and First streets, each morning not later than six (6) o'clock, and the last car to leave the corner of Main and Monroe streets, going west on the line, each night not earlier than ten (10) o'clock.

**2106. Cars—How Numbered, Lettered and Lighted.]** § 14. All cars shall be distinctly numbered both inside and outside, and shall be properly lettered to indicate the streets or routes upon which the same run, and in the night, shall in

all cases be sufficiently distinguished by the form or color of signal lights, and shall have lights on the sides as well as on the front and rear, so as to prevent the cars of different routes being mistaken for each other.

**2107. Cars—Conductors for, Required.] § 15.** Said company shall not suffer any car propelled by electricity to run over any of its line, or portion or part thereof, in the city at any time unless the same shall be in charge of and under the control of some competent conductor, who shall be a person other than the man in control of the motive power; said conductor shall, at all times when on duty, wear a suitable uniform. The name of each street along the line of said right of way, as approached by any car containing passengers, shall be called by the conductor in charge of said car.

**2108. Cars—Damaged—Not to be Used.] § 16.** No car shall be used by said company upon its line which has a broken window, door, step, or insufficient fastening or is otherwise damaged, longer than during the day such breakage, insufficient fastening, or damage may occur.

**2109. Rate of Fare—Tickets.] § 17.** The rate of fare for a continuous trip in one direction shall not exceed five (5) cents for any one person. The said company shall keep for sale at its office and upon all cars running on its line passenger tickets in bundles of twelve (12) each which it shall sell for fifty (50) cents, and each of said tickets shall be taken in payment of one continuous trip. Every child of six (6) years of age and under, accompanied by its parent or guardian, shall be passed free of charge.

**2110. Cars—How Stopped.] § 18.** No car shall be allowed to stop upon a cross-walk or in front of any intersecting street, except to avoid a collision or prevent danger to persons or property on the street or avenue. When the conductor of the car is required to stop at the intersection of streets



or avenues to receive or leave a passenger, the car shall be stopped so as to leave the rear platform slightly over the crossing.

**2111. Right of Way Sprinkled—When.]** § 19. The said Peoria Rapid Transit Company shall during the dusty seasons of the year keep its right of way, or such portions thereof upon the streets and avenues where the property owners along said right of way sprinkle said streets and avenues, well sprinkled in such a manner that the dust arising from the operation of its cars over its right of way shall cause no inconvenience to the public, or to the passengers riding upon said cars: *Provided*, that the said city of Peoria shall furnish the water for said sprinkling from the hydrants along the right of way of said company by order upon the Peoria Water Company.

**2112. Franchise Not Assignable Except, Etc.—How.]** § 20. The rights and franchises hereby granted to the Peoria Rapid Transit Company shall not be transferable or assignable by said company to any individual or other company except with the consent of the city council.

**2113. Right of City After Nineteen Years.]** § 21. The city of Peoria hereby reserves the right to permit another railway company to enter upon any or all of the streets and avenues named in this ordinance in which the right of way is hereby granted to said Peoria Rapid Transit Company, at any time after nineteen (19) years from the date of the passage of this ordinance, for the purpose of constructing or preparing to construct a new line of street railway, the same to be so done as to cause the least obstruction and delay possible to the running of the cars of the said Peoria Rapid Transit Company.

**2114. Condemnation Suits—Who to Institute.]** § 22. All parts of streets and avenues in said city over which the right of way is hereby granted to the Peoria Rapid Transit

Company which are not opened and dedicated to the public, the said city of Peoria shall pass all necessary ordinances for the condemning of said streets and avenues, or any part of them, as soon as possible, and the said Peoria Rapid Transit Company shall pay to the said city of Peoria all costs and damages for the condemning and opening of said streets and avenues upon demand being made upon said company for the same.

**2115. Crossing Other Tracks — Who to Maintain Crossing.]** § 23. Whenever it becomes necessary on the line of the right of way hereby granted to said Peoria Rapid Transit Company, to cross the tracks of any other street railway company now operated in the city of Peoria, the said Peoria Rapid Transit Company shall, at its own expense, put down and maintain all of said street railway crossings.

**2116. Injuries Resulting From Exercise of Right.]** § 24. Said Peoria Rapid Transit Company shall be liable for and pay to the persons, companies or corporations injured all damages which may result from the passage of this ordinance or from the carelessness, negligence or misconduct of said company, or any agent or servant of said company, in the operation of said railway which it may build, own, lease or control; and said company shall save and keep harmless the said city of Peoria on account of any and all damages and costs in all causes of action that may be brought by, or accrue to, any person or persons, company or corporation at any time hereafter by reason of carelessness or negligence, and by reason of the construction and operation of said railway, or any part of it, in which said city may be sued separately or impleaded with said company or otherwise, including reasonable attorney's fees for the city attorney and for other counsel employed by said city in or about said suits, if any.

**2117. Construction of Ordinance — Acceptance of.]** § 25. It is expressly understood that the Peoria Rapid Transit

Company consents and agrees by acceptance of this ordinance that in interpreting, construing and giving effect to this ordinance, each and every expression used, if any, which is susceptible of more than one interpretation or meaning, the interpretation and meaning most favorable and best protects the interests of the city of Peoria and the inhabitants thereof shall be adopted.

**2118. Limitation of Grant—Duties of Company on Expiration of.]** § 26. If the said railway company shall faithfully comply with the foregoing requirements of this ordinance, the right of the said company to operate said railway shall extend to the full expiration of twenty (20) years from the passage of this ordinance, otherwise the city council may declare said company's rights forfeited any time, after thirty (30) days' notice to said company that its rights shall be forfeited for its failure to comply with the requirements hereof. Said notice shall particularly specify the matters complained of by the city council, and the company to be given an opportunity to comply with said requirements within thirty days. At the expiration of its rights under this ordinance said Peoria Rapid Transit Company shall remove its rails and ties and other property from the streets and avenues occupied by it within sixty days, and shall leave said streets and avenues paved and in as good condition as though the same had not been occupied by it. Said pavement to be of the same character and material as the pavement on the other parts of the streets and avenues upon which the right of way is granted to said company. And the said Peoria Rapid Transit Company shall, within thirty days after the date of the passage of this ordinance, enter into a written agreement with the city of Peoria, to be duly executed by its president and secretary under the corporate seal of said company and filed in the city clerk's office, and on the part of the city of Peoria to be signed by the mayor and countersigned and sealed with the corporate seal by the clerk of said city of Peoria, obligating said com-

pany and said city to abide by and perform the stipulations and provisions in this ordinance contained, which agreement, when executed, shall be mutually binding upon both of said parties as a contract.

Passed in council this 5th day of April, A. D., 1892.

M. R. FAY,

City Clerk.

CHARLES C. CLARKE,

Mayor.

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## 6. POSTAL TELEGRAPH AND CABLE COMPANY.

Section.

2119. Permission to Erect Poles and String Wires.

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### **2119. Permission to Postal Telegraph and Cable Company to Erect Poles and String Wires.**

*To the Mayor and Aldermen of the City of Peoria in Council Assembled:*

Your committee on streets, alleys and bridges, to whom was referred the petition of the Postal Telegraph and Cable Company, for permission to erect poles and string wires in said city, commencing at the intersection of Harrison and Water streets thence along Water street to Morgan street and diagonally across blocks 90 and 91 to Washington street, thence along Washington street to Caroline street, thence along the route of Rock Island and Peoria railroad to city limits, having had the same under consideration, beg leave to report said company be permitted to erect their poles and string wires as designated in its route to Caroline street in said city. That said poles be erected and wires strung under the supervision of the city engineer, and the council committee on streets, alleys and bridges, but the city reserves the right to require said company to put its wires under ground, any time after five years from this date, and remove its poles from said streets; said poles to be not less than twenty feet high. *Provided*, that the

city of Peoria shall have the right to use the poles of said Postal Telegraph and Cable Company along the route herein designated for the stringing of the city's wires.

PHILO B. MILES, }  
JOHN FINLEY, } Committee.

PEORIA, ILL., Sept. 15, 1891.

Adopted by the city council Sept. 15, 1891.

M. R. FAY,  
City Clerk.



## 7. WATER WORKS.

## Section.

- 2120. Proposition for Sale of Water Works.
- 2121. Securities.]
- 2122. System—Completion of.
- 2123. Streets—Use of.
- 2124. System.
- 2125. Supply.
- 2126. Storage.
- 2127. Pumping Station.
- 2128. Pumping Machinery.
- 2129. Pipe Distribution.
- 2130. Reservoirs.
- 2131. Responsibility and Care.
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## Section.

- 2234. Rules, Regulations and Rates.
- 2135. Table of Water Rates.
- 2136. Option of City to Purchase.
- 2137. Water for Fire Protection—Payment—How Made.
- 2138. Free Water for What Institutions and Purposes.
- 2139. Distributing Pipes of—Reserved to City.
- 2140. Ordinance—When Binding on City as Contract.
- 2141. Assignment and Incorporation.
- 2142. Execution of Contract.
- 2143. Ordinance—Interpretation of.
- 2144. Ordinance—When to Take Effect—Repeal.

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AN ORDINANCE, for an improved, enlarged and extended system of Water Works, for the city of Peoria, Illinois, and its inhabitants, and to supply them with water for all public and private purposes, and to sell to JOHN F. MOFFETT, HENRY C. HODGKINS, JOHN V. CLARKE, and CHARLES T. MOFFETT, doing business under the firm name of MOFFETT, HODGKINS & CLARKE, of Watertown, N. Y., the present existing system of water works of the city of Peoria, as an entirety, and granting to the said Moffett, Hodgkins & Clarke the franchise and license to rebuild, enlarge and extend the present system of water works, and to construct, maintain and operate as a whole, the new, improved, enlarged and extended system of water works, in, near and for the said city of Peoria, and contracting with the said Moffett, Hodgkins & Clarke for water for fire protection and other public uses for the city of Peoria, and granting to the said Moffett, Hodgkins & Clarke the right and license to furnish, deliver and sell water to the inhabitants of the city of Peoria, and reserving to the said city of Peoria the right to purchase the said water works system, after its enlargement, improvement and extension, all as hereinafter provided for. [As amended by ordinances passed July 23, 1889, and August 5, 1890.]

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**2120. Proposition for Sale of Water Works.] § 1.**  
That the city of Peoria, Illinois, will, in case the conditions herein specified shall have been first fully complied with, viz: the development of the proposed source of water supply to

the satisfaction of the city council, the procuring a satisfactory title to the real estate upon which the new reservoir, stand pipes, etc., are to be located, so as to be able to execute satisfactory security as herein required, upon or before the first day of August, A. D. 1889, sell and deliver to John F. Moffett, Henry C. Hodgkins, John V. Clarke and Charles T. Moffett, doing business under the firm name of Moffett, Hodgkins & Clarke, of Watertown, N. Y., their associates, successors, or assigns, hereinafter called grantees, the present existing system of water works, of the city of Peoria, including thereunder, all of the real estate of the said city now devoted to and used for the purpose of the pumping station, source of supply, filter galleries, pumps, wells, inlet pipes and other uses, meaning hereby to include all the following described real estate bordering upon the Illinois river, beginning on the lower side of the ferry road 790 feet S.  $53^{\circ} 8'$  E. from the C. R. I. & P. railroad right of way. Thence at right angle with said ferry road 250 feet. Thence parallel with said ferry road to the Illinois river. Thence meandering north up along the west bank of said Illinois river to the lower line of said ferry road. Thence along the lower line of said ferry road to the place of beginning. Also one other tract of land above and adjoining said ferry road, beginning at a point 1340 feet S.  $53^{\circ} 8'$  E. from the C. R. I. & P. railroad right of way. Thence S.  $69^{\circ} 30'$  E. 60 feet. Thence N.  $87^{\circ} 35'$  E. to the Illinois river. Thence along the Illinois river to a point intersecting the upper line of said ferry road. Thence along the upper line of said ferry road to the place of beginning. All being a part of section No. 2, in township 8 N. of range 8, east of the 4th Principal Meridian, together with all the buildings thereon, and the machinery, tools and fixtures contained therein, and now used and devoted to the water works system of the city. Also all and entire the pipe distribution system of the city leading from the said pumping station, to, into, through, along and under the streets, ways,

bridges and public lands of the city of Peoria, together with all the special castings, gates, hydrants, blow offs, connections, appurtenances and fixtures in, and all things pertaining thereto, which have been, are now, or may be, prior to the said first day of August, A. D. 1889, employed in, or used as a part of, or in connection with the present pipe distribution system of the said water works, also the pipes, special castings, gates, hydrants, and any and all other stock, material and tools of whatsoever nature, purchased for, and intended to be used for, or in connection with, or as a part of, or in the maintenance of the said system of water works, whether in connection with its supply, pumping system, distribution, maintenance, or general business of operating said system of water works; excepting one horse and wagon and all fixtures and appurtenances belonging to the office of the collector of water rates; giving to the said grantees the right to enter upon the workhouse enclosure and grounds and to remove the pipes therein laid, where the same can be done without injury to the workhouse buildings.

And from and after the sale and delivery of the present water works system to the said grantees, the said city of Peoria shall be relieved from any and all expense, of whatsoever name or nature, in connection with the maintenance and operation of said system of water works, but the city of Peoria shall not be relieved from the payment or settlement of all outstanding bills or claims, of whatsoever name or nature, that were incurred by the city of Peoria in connection with the maintenance and operation of the said system of water works, at any time prior to the sale and delivery.

And the said city of Peoria shall have the right to collect and retain any and all rates for water or service supplied by the said system of water works, prior to the said sale and delivery, whether the same shall have been paid or not. And the grantees shall have the right to charge and collect all

water rates which may be due and payable for water and service furnished or delivered from and after said sale and delivery.

**2121. Securities.] § 2.** At the time of the conveyance and delivery by the city of Peoria to grantees of the present water works system as herein described, and as the consideration therefor, the grantees shall assume the payment and satisfaction, according to their terms, the principal of the water bonds of the city of Peoria, now outstanding, to the amount of four hundred and fifty thousand dollars (\$450,000), which bonds are as follows, that is to say: Thirty-three (33) one thousand dollar (\$1,000.00) bonds bearing six per cent. interest, due August first, A. D. 1889; one hundred and eight (108) one thousand dollar (\$1,000.00) bonds, bearing seven per cent. interest, due April first, A. D. 1890; twelve (12) one thousand dollar (\$1,000.00) bonds, bearing seven per cent. interest, due August first, A. D. 1890; two (2) one thousand dollar (\$1,000.00) bonds, bearing seven per cent. interest, due April first, A. D. 1891; fifty (50) one thousand dollar (\$1,000.00) bonds, bearing seven per cent. interest, due May fifteenth, A. D. 1899; fifty (50) one thousand dollar (\$1,000.00) bonds, bearing five per cent. interest, due May fifteenth, A. D. 1901; one hundred and ninety-five (195) one thousand dollar (\$1,000.00) bonds, bearing four and one-half ( $4\frac{1}{2}$ ) per cent. interest, due June first, A. D. 1908; said bonds to be paid, taken up and canceled by grantees and surrendered to the clerk of the city of Peoria so, canceled within thirty (30) days after the same mature and are presented for payment according to their terms. And the undertaking by said grantees to pay said city's water bonds and to perform the other conditions in this section imposed upon and assumed by grantees shall be secured by them or by their heirs, associates, successors or assigns, as the case may be, at the time of making of said conveyance and agreement in the following manner, viz:

They shall give, or cause to be given, two two hundred and

twenty-five thousand dollars (\$225,000.00) non-negotiable money bonds of even date with the deed of transfer hereunder, to the city of Peoria, the first bond maturing nineteen (19) years after the date of the deed of transfer hereunder, the other bond maturing thirty years after the date of said deed, neither of said bonds to bear interest; these bonds shall be delivered by grantees to the city of Peoria and the same shall be copied into the city records of said city by the clerk of said city, and in case of the loss of the original a duly certified copy made and certified to by said clerk, or any clerk succeeding him in his office, shall be accepted and used as evidence in any matter or suit wherein the terms of said bond shall become material to be known. Said bonds shall be held by said city of Peoria as security for the performance by grantees of the undertakings of grantees hereunder, namely, to pay the principal of said city's outstanding water bonds less any credits which grantees may be entitled to have set off against said water bonds as provided for in this ordinance, to furnish a sufficient quantity of clear and wholesome water for all public and private uses as provided for in this ordinance and at rates to the city of Peoria, not to exceed the maximum rates fixed therein to secure any judgment at law which may be obtained by the city of Peoria against grantees, and that said grantees will reconvey the water works property free of any and all incumbrances, as herein provided for, in case of repurchase by the city of Peoria, and to renew their contract with the said city of Peoria at the expiration of said period of thirty years (in case the said city of Peoria does not repurchase) at not to exceed the rates both public and private herein provided for. The payment of said two hundred and twenty-five thousand dollar (\$225,000.00) bonds, shall be secured by a good and sufficient first mortgage or deed of trust which shall be given by said grantees, their heirs, associates, successors or assigns, either to the city of Peoria or to a trustee or trustees, at the option of the city council convey-



ing all of the said present water works property and real estate hereinbefore described as being sold and conveyed to said grantees together with the real estate upon which the reservoirs, stand pipes, pumping station or stations, both old and new, and the real estate upon which may be located the proposed source of water supply for said new system (all of which real estate shall have been previously purchased by grantees and paid for in full), and said mortgage or trust deed shall cover all improvements and betterments thereafter made on said real estate and all grantees' property, real and personal, owned at the time or thereafter acquired by said grantees, their associates, successors or assigns, connected with the said water works system or used as a part thereof; and said mortgage or trust deed shall contain provisions covering the foregoing specifications of the purposes for which said bonds are to be held as security by the city of Peoria, and further providing that in case of the failure of the grantees to comply with any and all of the conditions in said mortgage at any time within the said thirty (30) years that said bonds or either of them may be declared by the city council of the city of Peoria to be due and payable because of such failure of grantees, and shall contain a further provision that in case said bonds or either of them shall be declared to be due by said city council that said mortgage may be immediately foreclosed notwithstanding said bond or bonds shall not have matured according to its or their terms; and said bond or bonds and mortgage or trust deed shall be construed together as one contract except that the terms of the mortgage or trust deed with respect to the declaration by the council making such bond or bonds at once due and payable shall prevail over the terms of the bond or bonds with reference to its or their maturity:

Said mortgage or trust deed shall further provide that in case of a foreclosure or an attempted foreclosure by the city of Peoria for an alleged failure of the grantees to comply with their contract or with any portion thereof, the question of the

breach thereof by said grantees as alleged by said city council shall be submitted to the court in which said foreclosure proceedings may be instituted and if such court shall find that there has been a default as declared by said city council such court shall then award to said city of Peoria all damages sustained by it which may have been caused by such failure of grantees.

And such bonds and mortgage or trust deed shall remain in force and stand as security until the end of said periods of nineteen and thirty years respectively and until said grantees shall have fully complied with the undertakings for which the same stands as security, but in case grantees shall preserve and keep all the said conditions and shall pay said outstanding water bonds as herein provided for, then said bond first maturing shall be cancelled at the date of its maturity and returned to said grantees, and in case the said grantees shall have observed its contract up to the time of the maturity of said thirty year bond then said bond shall also be cancelled and surrendered to grantees, and said mortgage or trust deed on said property shall be then released, otherwise the same shall stand until said undertakings shall have been complied with. No other bonds of any kind, nor indebtedness of any kind, to any person or corporation other than the city of Peoria shall be secured by said first mortgage, nor shall there be any indebtedness of any kind or nature for any purpose whatever contracted or incurred by said grantees, that will interfere in any way with said city's first lien on all the property of grantees, for the amount of the city's bonded indebtedness assumed to be paid by grantees hereunder and for the damages accruing to the said city, if any, by reason of grantees failure, at any time to keep and perform their agreements hereunder, nor that will interfere with said city's right to repurchase said water works system and take possession of the same as hereinafter provided for entirely free from the lien of

incumbrances and indebtedness incurred or made by said grantees during their possession of the same.

And said grantees shall further execute and deliver to the said city of Peoria a good and sufficient bond with local security to be approved by the city council of said city of Peoria in the penal sum of two hundred thousand dollars (\$200,000), conditioned for the payment, satisfaction and cancellation (and surrender to the city of Peoria of said bonds when so cancelled) of the principal of all the before described water bonds of said city of Peoria less credits, if any, which grantees may be entitled to have thereon, which become due and payable during the life of said bond, said water bonds to be paid and cancelled within thirty days respectively after they mature and are presented for payment; and said bond shall be further conditioned for the completion of said water works system in accordance with the requirements herein specified therefor and for the payment of all damages, and for the performance of all the undertakings, assumed by said grantees in accepting this ordinance and contracting hereunder; and for the satisfaction of all mechanics' liens and other liens incident to the construction of said water works properties; which bond shall cover a period of three years (3 years) from its date, at the expiration of which time, if there shall have been no breach of the conditions thereof, it shall be cancelled and returned to said grantees and the sureties thereon shall be discharged. The securities in this section required to be given by said grantees shall be approved and accepted by the city council of the city of Peoria before the said city conveys its property to the grantees hereunder.

**2122. System—Completion of.]** § 3. The grantees shall take possession of the present existing system of water works immediately after the sample of water and source of supply shall have been approved and accepted by the said city council, and the bonds and conveyances herein required to be mutually executed and exchanged shall have been executed

and delivered, and thereafter, continuously, during the existence of this franchise, they shall maintain and operate the same at first as in their present condition, and afterwards as in their new, improved, enlarged and extended condition, as herein provided for. These improvements, enlargements and extensions shall be commenced within a reasonable time, prosecuted with all due diligence, and be completed on or before two years from the date of the passage hereof. *Provided*, that if said grantees are delayed by injunction, strikes, or by order of the courts, the time for completion shall be extended for the loss of time so occasioned.

**2123. Streets — Use of.]** § 4. And the said city of Peoria hereby grants this franchise and license to the said grantees, for and during the term of thirty years from the sale and delivery of the present water works system, subject only to the right of purchase and conditions herein provided, and also the right to operate the said present system of water works, and to enlarge, extend, improve, maintain and operate the same in, near and for the said city of Peoria, for supplying the city of Peoria and its inhabitants, and those in its immediate vicinity, with water for public and private uses, and to use within the present and future limits of the city of Peoria, subject to the restrictions, limitations, and in the manner herein provided, the streets, alleys and other public ways or lands, for the purpose of laying, taking up, repairing, or otherwise maintaining and operating mains, pipes, hydrants and other appurtenances.

**2124. System.]** § 5. The system of water works which is to be built, under the requirements of this ordinance, shall be what is known as the combined "Direct Pumping and Reservoir System," and shall comprise substantially the following: 1st. An adequate supply. 2d. Sufficient storage. 3d. A large, commodious, stone, brick and iron pumping sta-

tion. 4th. Sufficient pumping machinery. 5th. A suitable pipe distribution system. 6th. Suitable distributing reservoirs.

**2125. Supply.]** § 6. The water to be furnished under this ordinance shall be clear and wholesome, of such standard of purity as shall be approved by the city council, and shall be ample for all the wants of the city of Peoria, both for public and private uses, as well as for fire protection. Said supply shall be increased from time to time as the growth of the city may demand. The grantees shall, within thirty days after the passage of this ordinance, file with the city clerk their written agreement to fully contract with the city of Peoria according to the terms of this ordinance on or before August first, 1889, if they can first procure water satisfactory to the council as herein provided; and that they will give the securities required of them, and finally accept under this ordinance and contract with the city of Peoria, and they shall immediately upon the passage of this ordinance proceed, at their own expense, to investigate the source or sources of water supply, and shall report to the city council without unnecessary delay, and not later than ninety days thereafter, the results of their investigations, together with samples of water of the quality and kind the grantees propose to furnish said city. Whereupon said city shall submit the samples so furnished to such tests and examinations as the city council shall deem proper, and shall also examine the location of the proposed source of supply.

Before the present water works are conveyed to the said grantees the city council shall accept or reject the proposed water supply, and until said city council shall approve and accept of a new water supply, said present water works system shall not be conveyed to said grantees; but if grantees shall fail to procure water satisfactory to said council by the first day of August, 1889, then this ordinance may be repealed.



The city council shall have the right to examine from time to time the quality of the water supplied, and the grantees agree to maintain and furnish during the continuance of this franchise, water of as good or better quality than that of the sample originally furnished and accepted by said city, and said grantees agree to maintain and keep said source of water supply in the best possible state of purity, and to take every possible precaution to protect the same from contamination or pollution from any source whatever. In no case is the supply of water to be taken from the Illinois river, nor from a location that would be subject to drainage from any cemetery. Said location of water supply shall be north or northeast from the northern part of city limits.

It is expressly understood and agreed by and between the parties hereto that in case said grantees shall fail to comply with the provisions of this section requiring said grantees to supply the inhabitants of the city of Peoria with clear and wholesome water, said grantees shall thereby forfeit to the city of Peoria the sum of one hundred and twenty-five dollars (\$125.00) per day for each and every day they shall fail for any reason to supply such clear and wholesome water as aforesaid; *provided*, that the city council of the city of Peoria shall first cause to be given to said grantees through any officer of said company, or agent in charge of said company's business in the city of Peoria, fifteen day's notice that said water has been pronounced impure and unwholesome and not up to the standard prescribed by the said city council. The said amount to be recoverable of and from said company in an action of debt by and in the name of the city of Peoria.

**2126. Storage.] § 7.** The grantees shall provide sufficient wells, reservoirs, or storage basins, near or adjacent to the source or sources of supply, so as to insure a storage capacity sufficient to supply the maximum amount of water that may be required for fire protection, and other purposes, during any

conflagration likely to occur in the city of Peoria, and this shall be independent of, and in addition to, any reservoirs which may be used as, or for, distributing reservoirs.

**2127. Pumping Station.] § 8.** The pumping station buildings shall be of modern construction, of neat and ornamental design, well and thoroughly built and finished, of stone and brick, with iron truss roof, slated and be practically fire proof structures. They shall be of ample size to accommodate the pumping machinery hereinafter specified, and so arranged and planned that additions thereto can be made when necessary without impairing their use or efficiency during the time said additions are being made. There may be one structure with suitable sub-divisions, or may be in two or more detached buildings, as may hereafter be deemed best and expedient.

**2128. Pumping Machinery.] § 9.** The pumping machinery shall be large, modern and first-class in all respects, and shall consist of three compound, condensing, duplex, pumping engines, each one of which shall be capable of pumping not less than seven million, two hundred thousand United States gallons each per twenty-four hours, at a piston speed of not exceeding one hundred and forty feet per minute, against a water pressure of one hundred and eighty pounds to the square inch.

Each of these engines shall be first-class in every respect, and shall be constructed in the most modern and improved manner, by first-class, reputable manufacturers.

Each of these engines shall be so proportioned, arranged and built as to be able to develop a duty of at least one hundred million foot pounds with one thousand pounds of steam, each engine to have air pumps and condensers, suitable to maintain a high vacuum when working at their maximum capacity; each engine shall be erected and set up on independent suitable foundations, and be connected with the supply and discharge pipe systems, so that any or all may be run at

any time. All exposed working parts of these engines shall be highly finished, and the entire steam ends shall be neatly and tastefully lagged with hard wood, secured and ornamented with polished or metal clamps or screws. Each engine shall have its own set of gauges, which shall include two vacuum, two steam, and one discharge ordinary pressure guage. There shall also be a standard steam indicator, and permanent standards and connections for each engine to permit the attaching of indicators and the taking of indicator cards and also one water and one steam recording pressure gauge; there shall also be attached to each engine a suitable number of high grade thermometers to indicate the temperature of the water in the suction and discharge pipes, also the temperature of the steam in both the high and low pressure cylinders in the exhaust and also the temperature of the overflow or discharge water from the condensers.

In addition to the hereinbefore detailed main pumping engines, there shall be a suitable number in duplicate of boiler feed pumps and feed water heaters and all the usual connections, special fittings, appurtenances or fixtures necessary to make the entire pumping plant complete, modern and first-class in all respects.

The power to operate this pumping machinery shall be provided by three batteries of two or more boilers each, the whole to be of such power as to easily furnish the steam necessary to operate the machinery at its full capacity; these three batteries are to be so set and connected that either can supply steam to either or all pumping engines at the same time; each of these boilers shall be made of the best boiler steel, in the most thorough and workmanlike manner. Each boiler shall be provided with all appurtenances necessary to make the boiler plant a most complete and efficient and first-class one in all respects. And the said grantees shall keep both the boilers and the pumping engines in constant

and first-class repair, during the life of this ordinance, and increase the same from time to time as may be necessary to fully supply the city of Peoria and its inhabitants.

Said grantees shall, at their own expense, maintain telephone communications with the police and fire departments of the city of Peoria, and also with the public telephone system, and also construct and maintain in good working order an electric fire alarm bell in the pump house, which shall be connected with any fire alarm system which is or may hereafter be in use in said city. [As amended August 5, 1890.]

**2129. Pipe Distribution System.]** § 10. There shall be in all, including the pipe now laid and to be laid, seventy-five (75) miles of cast iron water pipes within the limits of said city, provided with all the usual and necessary special castings, gates, hydrants, etc., as hereinafter specified. Said seventy-five miles shall be street measurement, only one pipe to be measured on one street, hydrant connections not to be measured. And on completion of said seventy-five miles of pipes there shall not be more than twenty-three miles of six-inch pipe, nor more than seventeen miles of four-inch pipe.

Leading into the city, from the pumping station to the reservoir, and as far as the county court house square, there shall be a thirty-inch pipe; from this point to the lower and upper corporate limits of the city, a twenty-four-inch pipe or its equivalent pipes, in not more than two mains, and leading from these mains shall be other pipes of suitable diameters, so arranged, as regards cross supplies or feeds, as to fully supply all the different portions of the city with a sufficient quantity of water, under sufficient pressure, to fully meet the herein detailed requirements for fire protection service.

The city shall, by resolution, locate within sixty days after the receipt of a written request from the grantees to so locate, the said seventy-five miles of pipe, in such streets, public ways and public lands of the city, as required by this ordinance, and the grantees shall submit to the city a map and plan of the

city showing such a pipe system as they would suggest to serve as a basis for the city to use in making their final location. Said map and plan shall be filed in the office of the city clerk and shall thereafter be left in said office.

In case the city shall fail to locate the said pipes within the said sixty days, then the grantees may locate the same, and such location shall fulfill the requirements of this ordinance as to location.

In furnishing and laying this seventy-five miles of pipe distribution system, the present existing pipe system may be used, subject to limitations herein contained, as may be deemed most expedient by the grantees, so as to form a part of the whole system when completed; but in laying the new additional pipes, or in relaying or removing the present existing pipes, care shall be taken to maintain, as far as possible, an uninterrupted supply to so much of the city as is at present served by the existing distribution. All pipes and special castings used in connection with this work shall be of first class standard manufacture and be accompanied by an inspector's certificate that they have successfully withstood, at their place of manufacture, a hydrostatic test pressure of 300 pounds to the square inch; and after having been laid and connected in the ground they shall be subject to and withstand such a hydrostatic pressure as may be brought to bear upon them with a pressure upon the pumping engines of at least 175 pounds to the square inch.

The gates shall be sufficient in number, and so located, that if it shall be necessary to shut off the water, in case of accident, repairs, or for any other purpose, it can be done without interfering with the system as a whole, and so that but a small section or specific sub-division of the entire system need be shut off at any one time. Each gate shall be provided with a suitable, adjustable cast iron box, set with its top flush with the surface of the ground, and at corners, or crossings of one street with another, suitable special castings shall be placed in



the mains when laid, so that when the future extensions beyond seventy-five miles now provided for are required the same may be put in without unnecessary cutting of the main lines to insert special castings, and, in fact, the entire pipe distribution shall be so constructed as a part of a whole system that shall ultimately cover the entire city of Peoria, and its reasonable extensions and enlargements. All pipes and hydrant connections, old or new, shall be laid by said grantees, in all cases, below the frost line of the permanent grade.

There shall be placed along the said seventy-five miles of pipe distribution 1,000 fire hydrants, less those now set, as the same may be located by the city; but in the event the city shall fail to locate the said hydrants within sixty days after receipt of written request from the grantees to locate the same, the grantees may locate them at such points as may to them seem best. One hundred of these hydrants, located upon the principal main or mains, to be four nozzle independent valve hydrant, one nozzle to be for steamer connection, if desired, also ten hydrants to be five and six nozzle hydrants with independent valves, and the remaining eight hundred and ninety hydrants to be double nozzle hydrants, and all to be frost proof, with drips, and the latest and most approved pattern. All hydrants found defective or unsuitable on the present pipe system shall be removed and replaced with new hydrants by the grantees. The hydrants located on or connected with eight-inch pipes, or those of larger diameter, shall have independent gates and boxes between the mains and the hydrants. Each of these hydrants shall be so made as to give a full open water way from the main to the nozzles, and each nozzle shall be made of the size and fitted with thread corresponding with that on hose coupling now in use in the city of Peoria, a sample of which shall be delivered by the city to the grantees within ten days after a written request is made for the same to the mayor. The hydrants to be located and furnished in conformity with the requirements of this ordinance

are to be used only in cases of actual fires and for the regular fire department practice, and for such tests and exhibitions as may be ordered by the mayor or chairman of the committee on fire and water, and for flushing sewers and gutters. For any use of which notice is not given on the fire alarm system of the city, reasonable notice shall be given the grantees. In case the city of Peoria, at any time after the completion of the works, shall desire to have set any fire hydrants intermediate to those then in use, they shall be set by the grantees without any charge for rental, provided the city shall be to all expense of furnishing and connecting said hydrants and keeping them in repair. None of said hydrants, however, shall be set for the exclusive benefit of private users, except for fire protection.

The said grantees shall have the right to shut off water temporarily from the mains, or any portion thereof, for the purpose of making repairs or extensions to the works, and the said grantees shall not be liable for any damages occasioned by such temporary suspension of the supply of water, provided notice is given of the intention of shutting off the water, and such repairs or extensions are made without delay, and with due diligence. But if at any time the supply of water is shut off from any cause for more than five days at a time, the rental for the fire hydrants that are shut off shall cease during the time of suspension. *Provided, however,* that in no event shall said grantees shut off the entire water supply so as to leave the city without ample and abundant supply of water for fire purposes.

In case the city of Peoria, at any time after the laying down of the pipes, to conform to the provisions herein, shall order or make any change in the grade of the streets in said city from the permanent grade, whereby it shall become necessary to relay or lower any of the water works pipes or hydrants, said city shall bear all expense of such work.

**2130. Reservoirs.] § 11.** There shall be located, at a suitable point or points, in or near the city, a series of reservoirs for the purpose of storing and distributing water to the different portions thereof. These reservoirs shall be of such construction, shape and size as may be deemed best and where the elevation of the ground is sufficient to permit, shall be made in excavation or embankment of earth and masonry, and where the elevation is not sufficient to permit, shall be made of metal, in the form of tanks, stand pipes or water towers. All distributing reservoirs and the water in the same shall have the same top elevation and be sufficient to supply all requisite, ordinary pressure in all portions of the city, and the water level shall not be less than two hundred and twenty (220) feet above the top of the fourth flute on the south angle of the corner stone of the Peoria county court house, the elevation of which point was established in the year 1877, at one hundred feet above the datum plane. Two of these stand pipes shall be erected on the bluff, in said city—one to be located northeasterly of Hamilton street, and the other to be located west of Elizabeth street.

Said reservoirs shall be so built that they may be pumped into direct, and the water then supplied by them to the city and also that they may be disconnected, in time of necessity, that the water supply may be pumped into the mains and to the city by the pumping machinery direct, and at any pressure up to the maximum herein provided, and in no case shall the minimum be less than the gravity pressure. But said reservoirs shall not be disconnected except to make repairs thereto or to be cleaned. Those reservoirs built of earth and masonry shall be constructed according to specifications submitted by the grantees and shall be lined with brick or stone masonry, or concrete, and so arranged that they may be easily cleaned or repaired without endangering the water supply to the city, either in quantity or continuance.

The aggregate capacity of all the reservoirs, stand pipes or water towers to be constructed in connection with this system of water works to be not less than nineteen million United States gallons, and eighteen million gallons shall be stored in one reservoir.

There shall be a driveway connected with the public highway to and around the reservoir. Said driveway shall be twenty-four feet wide and shall be kept up and maintained at grantees' expense. There shall also be a suitable walk for foot passengers six feet wide from the public highway to and around the reservoir. [ As amended August 5, 1890.]

**2131. Care and Responsibility.] § 12.** In building these works, as aforesaid, and in opening the streets for the reception of the pipes, gates and special castings, hydrants, etc., or, in doing or performing any other work in connection with the construction, maintaining and repairing of the said system of water works, there shall be the least possible obstruction to the use of the said streets or ways to the public. The trenches shall remain open for the least possible time commensurate with good and efficient work, and while the trenches are so open, suitable warnings or barricades shall be erected, and lights shall be used and displayed at night, and any loss or damage which may arise or be caused to any person or property, by reason of the grantees' want of care, in properly protecting the said trenches, or other works, shall be borne by grantees, and the grantees shall hold the city of Peoria harmless in any and all respects, by reason of any accident, damage or encroachment of any kind whatsoever, which may be occasioned by or result from the construction of the work herein provided for.

Said grantees shall be liable for and pay to all persons, companies, or corporations injured all damages which may result from carelessness, negligence or misconduct of said grantees, or any agent or servant of said grantees, in the construction

or operation of said water works; and said grantees shall save and keep harmless the said city of Peoria on account of any and all damages and costs in any and all causes of action that may be brought by any person or persons, company or corporation at any time hereafter, by reason of carelessness or negligence as aforesaid, in all suits in which said city is sued, either separately or jointly with said company, or otherwise, including reasonable attorney's or solicitor's fees, and for other counsel employed by said city in and about such suit or suits, if any shall be so employed, in addition to the city attorney.

The rights and privileges granted to said grantees in the streets and alleys of the city of Peoria are made expressly subject to all existing police regulations now in force in the ordinances of said city, or which may be hereafter passed by the city council of said city, governing the opening of trenches in said streets; and said grantees expressly covenant and agree to observe at all times any and all police regulations made by the city council of the city of Peoria, affecting their right to the use of said streets and alleys as herein provided for.

After the said works have been completed, or as fast as any portion of the same may be completed, the grantees shall restore the surface of the streets, alleys and public ways, in which they may have laid pipes or constructed any other portion of their works, over such pipes or work, to as near the original surface in which they found the same as the nature of the work will permit.

**2132. Local Labor.]** § 13. In the construction of the works herein provided for, the grantees shall give preference to the citizens of Peoria in all branches of the work, and shall not import or employ labor from other places, when the same class and quality of labor, at the same price, can be obtained from among the inhabitants of Peoria.

**2133. Tests and Acceptance.]** § 14. Upon the completion of the improvement, extension and enlargement of the



present system of water works, in accordance with the requirements of this ordinance, the grantees shall duly notify said city of Peoria in writing, and at the expiration of five days thereafter shall proceed to make a test of the works on the first suitable day following. The grantees shall test the power and capacity of said works by throwing at one and the same time, from any thirty hydrants lying below the foot of the bluffs, thirty fire streams, each stream to use 100 feet of rubber lined hose, and a one-inch ring nozzle, to a vertical height of 100 feet, in still air, or 132 feet horizontally, and to show a pressure at the average centre of the location of the said thirty hydrants, sufficient to throw these streams these distances, either vertically or horizontally, according to the tables of Geo. A. Ellis, C. E., or in other words, while said lines of hose and nozzles, as herein described, are attached to the said thirty hydrants, hose and nozzles, there shall be a pressure maintained at said centrally located point of not less than sixty-five pounds to the square inch. At all other portions of the city the works shall be able to throw at one and the same time, from any ten hydrants, ten fire streams, with the size and length of hose and nozzles hereinbefore described to a vertical height of seventy feet, or a horizontal distance of ninety-eight feet, both in still air, or shall show a pressure at a hydrant, centrally located between said other hydrants of forty-one pounds to the square inch.

These test streams shall be distributed in each of the different wards in the districts specified below the bluff and on the bluff, and none shall be taken from four-inch mains.

These tests, or trials, shall be conducted by the grantees, under the supervision of the city council of the city of Peoria, and the city of Peoria shall furnish all the requisite hose, nozzles, pressure gauges, etc. This test shall take place within ten days after the expiration of five days' written notice from the grantees that they will be ready for such test at the expiration of the said five days, and if the works are not completed

and ready at such time, then shall the grantees give a new notice of thirty days; said grantees shall notify the said city of Peoria that the said works are completed and are ready for the said test, and if the said city shall fail to supervise said test within said ten days, then shall it have waived its right to have said test made, and its non-fulfillment or failure to supervise such test, shall be an acceptance of such works. But, if the city shall supervise such test, and the said works shall withstand the same, the said city shall formally accept by resolution of the city council, the system of water works, and thereupon, either after such test, or after the lapse of the said ten days, and the failure to supervise such test, the rental hereinafter provided for shall commence, and be due and payable, at the times and in the manner specified.

The pressure, capacity and efficiency of said water works system shall be kept at all times during said period of thirty years fully up to the standard prescribed in this ordinance, and for the purpose of determining the amount of pressure and efficiency of said water works as a fire protection, from time to time, the city council reserves the right to order a test of said works and pressure in any and all parts of the city of Peoria at least once each year during said period of thirty years.

**2134. Rules, Regulations and Rates.] § 15.** After the delivery of the property of the existing water works to the grantees, and their acceptance thereof, the grantees may charge and collect during the continuance of this franchise and license, quarter yearly water rates in advance, which quarter yearly water rates shall not exceed one-fourth of the amount of annual water rates given in this ordinance, or one-half of the rates given for six months.

The only exception to the above times of payment being in the case of meter rates, which shall be payable monthly, or at such other periods of time as may be mutually agreed upon between the grantees and consumer.

Grantees shall have the right to furnish water and consumers to take water at meter rates, and when meters are required, either by grantees or consumers, they shall be furnished by grantees without charge. In all cases where meters are used they shall be such as will meet the approval of the grantees, but may be subject to supervision, inspection and condemnation by the city council or any one by them designated, and when condemned such meter shall be removed and a correct meter substituted in its place at the cost of said grantees.

The council reserve the right to appoint a man as inspector of water meters used by the consumers under this ordinance, and it shall be the duty of said inspector to examine and test any water meter furnished to consumers by said grantees, whenever requested so to do by such consumer. Said inspector shall always give twenty-four (24) hours' notice to the consumer and also to the said grantees of the time and place when and where such test is to be made. Said inspector shall be entitled to receive in advance from any consumer requiring his services the sum of \$2.00 and his reasonable expenses, not exceeding \$5.00 for each meter by him inspected.

Such sum shall be refunded by the said grantees upon presentation to them of the inspector's certificate that the meter has been found by him to register more water than actually passes through the same, but if the said meter shall be found by said inspector to not register more water than actually passes through the same, then said consumer shall bear the expense of such inspection as above provided for.

The grantees shall make such rules and regulations, to be first approved by the city council, regarding the service and use of water, putting in of connections, etc., both as regards the quality of the connections and their arrangement as may be proper and expedient, with just and reasonable regards for the rights of others.

The grantees shall have the exclusive right to put in water service pipes and connections in the streets; and for the purpose of controlling and regulating the service pipes and connections to be used in connection with their works, shall issue licenses without fee under the aforesaid rules and regulations to any plumber licensed by the city of Peoria who desires to do such work, and who shall agree to do it in accordance with such rules and regulations; and unless such plumbing work is done in accordance with and in conformity to such rules and regulations thus established and by a regularly licensed plumber, the grantees may refuse to furnish water.

All persons desiring water must make application therefor at the office of and upon the books of the grantees, who shall maintain an office in the central part of the city, and agree to conform to the rules and regulations of said grantees before the grantees shall be obliged to make connection with the premises of such applicant, but when such application is made the grantees shall put in the service pipe and connections between the mains and sidewalk line at their own expense, and the applicant shall furnish, at his own expense, the sidewalk stop and box and pipe and fixtures from the same into and through his property.

The city reserves the right to order said grantees to put in all service pipes on streets from main to the sidewalk line prior to the making of any permanent pavement on said streets within said city, the same to be placed at such points along said streets as the city council may direct, and when so directed the grantees shall immediately put in such service pipes and stop and box.

The city of Peoria will adopt ordinances protecting the grantees in the safe and unmolested exercise of the franchise and license hereby granted, and against fraud and imposition, injury to the property used in connection with the water works, against pollution of the water or source of supply, also to carry into effect the provisions of this ordinance and of the contract

hereby entered into. In case any private consumer of the grantees shall fail to pay his water rates as herein provided within thirty days after the same is due, the supply may be shut off.

All service pipes not exceeding one and a half ( $1\frac{1}{2}$ ) inch in diameter hereafter laid by grantees from mains to sidewalk line shall be extra strong lead pipes. [As amended August 5, 1890.]

**2135. Table of Water Rates—Annual Rates.] § 16.** The following is the table of rates to be charged private consumers for the use of water supplied by said grantees. The amounts hereby so fixed as the maximum charges to private consumers shall in no case be exceeded; and it is stipulated expressly between the city of Peoria and grantees, that said grantees by wilfully making a charge in excess of the following rates shall forfeit and pay a penalty of \$10.00 for each overcharge to be collected by the person or persons overcharged in an action before any justice of the peace:

Banks, one faucet.....	\$ 6.00
Bakeries, daily average bbls. flour used, per barrel.....	3.00
Barber shops, first chair.....	3.00
Each additional chair.....	2.00
Baths, private.....	3.00
Each additional tub.....	2.00
Baths, public, per tub.....	10.00
Hotels or boarding house, each tub.....	6.00
Blacksmith's shop, first fire.....	3.50
Each additional fire.....	1.75
Building purposes, brick per 1000 laid.....	.10
Wetting brick.....	.05
Stone, per perch.....	.07
Plaster, per 100 yards.....	.20
Water for building purposes, when brick, stone or plastering are not charged for, will always be charged for at the following rates:	
Ordinary frame dwelling.....	\$ 2.00
Large frame dwelling.....	3.00
Ordinary brick dwelling.....	5.00
Other buildings and uses, each barrel of lime or cement.....	.10
But no charge less than.....	1.00



Butcher shops, each stall .....	3.00
Boarding houses, per room.....	1.00
Eating houses.....	\$10 to 30.00
Offices, with wash basin.....	3.00
Printing offices, not including engine, six hands or less.....	10.00
Each additional hand.....	.25
Photograph galleries.....	15.00
Residence, occupied by one family, four rooms or less.....	4.00
Each additional living room.....	1.00
Hotels, each room.....	1.00
Boarding schools, each room.....	1.00
Stables, private, one horse (including washing carriages).....	2.00
Each additional horse.....	1.00
Dry and team horses, each horse.....	1.00
Livery, boarding and sale, including carriage washing, per horse.....	2.00
Steam boilers, per horse power, twelve hours per day.....	1.50
Twenty-four hours per pay.....	3.00
Saloons, each faucet.....	8.00
Soda fountain glass washers.....	\$10 to 20.00
Stores, not otherwise enumerated.....	6.00
Workshops, for ten persons or under.....	5.00
Each additional person.....	.25
Tenement houses, each family, four rooms or less.....	4.00
Each additional room.....	1.00
Urinals, private, with self closing faucets.....	3.00
With automatic flush faucets.....	3.00
Public, with self-closing faucets.....	5.00
Water closets, private, self-closing.....	3.00
Each additional.....	1.50
Public hotels, restaurants, saloons and stores, self-closing each....	5.00
Not self-closing, each.....	10.00
Warehouses.....	6.00
Sprinkling carts, for each team employed, per month.....	16.00
Parties taking water from their neighbor's hydrant (per quarter)	
\$1.50.....	6.00
Goose necks, when used on sprinklers, regular rates for premises supplied.	
Drug stores.....	\$8 to 12.00
Sprinkling streets and yards four hours per day, 40 feet front, or less	5.00
Each additional foot.....	.10
On corner lots one-half width of side streets per foot.....	.10

## METER RATES PER 1,000 U. S. GALLONS.

When daily consumption is 1,000 gallons or less the charge to be at the rate of 20 cents per 1,000 gallons.

When daily consumption is more than 1,000 gallons on the excess over 1,000 gallons the charge to be at the rate of 6 cents per 1,000 gallons.

Water carts, for each 100 gallons taken..... .05

Rates for other uses to be proportionate to above, according to the amount of water used.

Rates for fixtures not enumerated above to be porportionate to the forgoing rates.

MINIMUM RATES.

Fixture rates..... 4.00

Meter rates..... 3.00

**1236. Option.] § 17.** At the expiration of ten years from the date of the passage of this ordinance, or at any five year period thereafter, the city of Peoria, as a municipal corporation, shall have the right to purchase the water works of the grantees, and all things pertaining thereto, as herein provided, on the following conditions, and the grantees, in accepting this ordinance, expressly covenant and agree to sell to the city of Peoria the said water works, provided the said city may at said time have the power to contract for the payment of the same, or shall pay for the same in cash, and upon payment for the same to convey said water works to said city free from all liens upon the following conditions, to-wit:

The city of Peoria, by resolution of its city council, shall determine to purchase the said water works, and shall serve a certified copy of such resolution on the grantees at least six months before the time, or times, when the city of Peoria may desire to exercise the right of purchase hereinbefore granted. In the event that the city and the grantees shall be unable to agree upon a price to be paid for the said works, then the said city shall have the right to have at once appointed three disinterested, non-resident experts as appraisers; these appraisers to be named by the judge of the Circuit Court of the United States for the district in which Peoria may at that time be situated.

These three appraisers shall constitute a commission which shall examine and take testimony of experts and otherwise

determine the then existing value of the water works and all that pertains thereto; but in ascertaining such value they shall not appraise the then unexpired term of this franchise or contract, but shall equitably decide what amount the city of Peoria is justly and fairly entitled to pay the grantees for the water works and all that pertains thereto, save said unexpired franchise, and shall make a written award of the then cash value of such water works property, in duplicate, and shall deliver one of such awards to the city clerk and the other to the grantees; and the said city shall then have the right to exercise the option of purchasing or refusing to purchase the said water works at the price so fixed. But in no event is the city to pay more than the sum paid by grantees to the city for the original water works and the cost of the material and labor used in improving and enlarging the same, and said appraisal shall be made upon this basis, excluding all distributing pipes, hydrants, etc., used for supplying water to consumers outside of the city limits. *Provided*, that nothing herein shall be so construed as to prevent the city purchasing the main pipes, reservoirs, machinery, pumping stations and supply wells and grounds, etc., whether the same may be located within or without the limits of said city. If the said city shall then elect to purchase, it shall give the grantees notice of such election within sixty days from the delivering of said award to the said city clerk, and it may pay the whole or any part of such award, but it shall pay not less than one-sixth of the same, on or before the expiration of three months thereafter, and on or before the expiration of each successive period of three months thereafter, it may pay the whole or any part of the remainder, but it shall pay not less than one-sixth part of the whole award at each of said periods until the whole shall be paid. Interest shall be paid by the city on all deferred payments from the date of the first payment to the time of the payment of each and all of the said deferred payments, at such rates per annum as the appraisers may name, not exceeding the legal rate of

interest of the State of Illinois. But the said city shall have no right to any of the property or income of the said water works until such time as it shall take actual possession of the property and make the first payment of the purchase money as aforesaid, and at such time an adjustment of accounts between the city and grantees for water furnished or supplied by the grantees, and not then paid for, shall be had. But if the city shall fail or refuse thus to purchase, it shall pay all the necessary expenses incurred by said appraisers, in or on account of the appointing of such appraisers and making such award; but in case such purchase is completed and such purchase money paid, then shall said expense be equally divided between the city and the grantees. When the first payment, as fixed by this section, shall have been made, the said city shall be immediately put into possession of said water works, and all payments, when made, shall be applied under the direction of the city, if the city sees fit so to direct, to the liquidation and extinguishment of all indebtedness of said grantees which are liens upon said water works, and upon full payment for the said water works said grantees shall convey the same free from all liens and incumbrances to said city. [as amended July 23. 1889.]

**2137. Water for Fire Protection — Payments — How Made.]** § 18. In consideration of the benefits to be derived by the city of Peoria and its inhabitants from the improvement, enlargement and extension of its present system of water works, and the operation of said improved, extended and enlarged water works, and in further consideration of the water supply to be obtained thereby, for public and private uses, and as an inducement to the grantees to purchase the present system of water works and to enter upon and improve, enlarge and extend the same, the franchise and license hereby granted to and vested in the grantees shall remain in full force and effect during the term of thirty years from and after the sale and delivery of the present water works, but subject to

the right of purchase as herein provided and to the other conditions herein imposed, but in the event of a failure to purchase said water works, as herein provided, on or before the expiration of said thirty years, said franchise and license shall then continue in full force and effect until such time as said city may purchase said works, but subject to the same right of purchase as before, with hydrant rentals not exceeding twenty-five dollars per year for each hydrant in use, but the total hydrant rental not to exceed three hundred dollars (\$300) per mile of main pipe, and consumers' rates not exceeding those provided for in this contract; but if the city and grantees cannot agree upon the amount that shall be paid for hydrant rentals and other uses — public and private — within the above limits, during such extended period of this contract, then such amount shall be determined by arbitration in the same manner as is provided in section 17 of this ordinance as amended.

In consideration of the property, privileges and franchises by this contract granted and conveyed to the grantees, they hereby agree and bind themselves during the continuance of this contract, upon the request of the said city of Peoria, to furnish water for fire protection and for other public uses as herein provided, for the sum of \$41,600 per annum from the date of the completion and acceptance by the city of Peoria of the said proposed water works system as provided in this ordinance as amended, and to receive in part payment of said annual sum of \$41,600 the interest coupons hereinafter paid by said city of Peoria upon its water bonds, for interest accruing after the delivery of the present water works by said city to said grantees, said amount of \$41,600 to be due and payable in four equal quarterly installments within thirty days after the end of the quarter for which water has been so furnished. In default of the payment by the city of any installment for such hydrant rental service and water furnished within the time fixed by this section for its payment, the said grantees shall be released from the payment of said water



bonds to an amount equal to the amount of said default, with interest on the same at five per cent. during the continuance of said default. But prior to the completion of said water works, and subsequent to the delivery of the present water works system to the grantees, the charge and rental for the use of hydrants and water furnished shall be for three hundred and sixty-nine hydrants from November 1, 1889, up to the date of the completion of the two water towers upon the East and West Bluffs and their connection and use with the pipe distribution system as then laid, after which date the charge and rental for the use of hydrants shall be for five hundred and seventy up to the date of the completion and acceptance of the water works system, and thereafter for one thousand hydrants, as provided in this ordinance as amended. *Provided*, that such payment of new hydrant rental shall not be construed to waive the right of the city to have the new hydrants subjected to the tests heretofore required by this ordinance for said new water works system: *provided, further*, that in consideration of said city having passed this amended ordinance said grantees shall at all times keep all its new hydrants supplied with water and fire pressure and shall permit the said city to use the same for suppressing conflagrations before said works are completed free of other charge: *Provided, further*, that when hydrants are located along boundary streets between the city of Peoria and other inhabited territory, and the grantees furnish water to such territory, a deduction of one-half the hydrant rental rates above specified shall be allowed to the city of Peoria on the hydrants so located. It is further expressly provided and agreed by and between the parties hereto, that in no event and under no circumstances, so long as said city of Peoria desires and the city council request hydrant service and water to be furnished to the city of Peoria, shall the grantees refuse or neglect for any space of time to supply the city of Peoria and all the hydrants provided for in this contract, with water and pressure for fire

protection, unless such failure is caused by an act of God in the destruction or impairment of said water works system or some part thereof, or by mob violence, in either of which cases said water works system and every part thereof shall be restored to the former state of efficiency by grantees at the earliest practicable date. And, if for any cause other than the two above specified, the said grantees fail, neglect or refuse for any space of time to furnish all the water and fire protection pressure required by said council and provided for in this ordinance, said grantees shall thereby forfeit to the city of Peoria its franchise and license hereunder and herein granted and its right to retain possession of the water works system, pumping station or stations, reservoirs, stand pipes, mains, pipes, hydrants and the entire property mentioned and described in this ordinance as belonging to or to belong to said grantees as a part of said water works system; and the city of Peoria by order of the mayor upon resolution of the council may immediately, without process of law, take full and complete possession of said property and water works system as aforesaid whether within or without the limits of said city (using force if necessary for the purpose of taking such possession), and may operate said pumping station or stations and water works system so as to furnish adequate fire protection and water for the uses of said city and the citizens thereof thereafter; and grantees, by accepting this ordinance, agree to and do waive and release to the city of Peoria any claim for damages against said city and its servants which they might make by reason of such forcible entry upon and into and use of said water works properties for such causes and purposes; and said city council may at its option for said reason, declare said franchise and license forfeited. *Provided*, that if said grantees shall re-engage to furnish said city with water and pressure for fire protection, etc., as herein provided for, and shall then give satisfactory security that they will comply with such undertaking to again continually furnish water and

fire protection for said city, they shall be restored to the possession of said water works property, and their franchise and license shall be restored to them, subject to be again forfeited as in the first instance. But nothing in this section shall be held to release the city from its legal liability to pay for hydrant rental and for all water so furnished.

But no money or consideration of any kind shall be paid by the city to grantees for the water used, nor for hydrant rental during the time the city is in possession of said water works and operating the same as aforesaid.

In case the city shall desire the said pipe system to be extended within the present or future limits of the city, and shall by ordinance direct the grantees to make such extension, then shall the grantees make the same, and furnish and erect fire hydrants thereon, to the number of twelve to each mile, as the city may locate the same, upon the condition that the city shall pay for the fire protection thus afforded, \$75 per quarter for each and every mile thus laid during the said unexpired term of thirty years from completion of the said extension, but subject to the right of purchase herein provided for. Said grantees shall constantly, day and night, except in cases of unavoidable accident, keep all hydrants supplied with water, and shall keep them in good order and efficiency. The chief of the fire department of said city, and in case of his absence, the officer in charge thereof, or any person designated by the city council, may inspect the hydrants from time to time, and if upon said inspection any of said hydrants are found to be out of working order he shall forthwith notify the chief officer in charge of the water works in writing, specifying the hydrant or hydrants out of working order, and said officer of the water works shall forthwith repair the same, and if not in working order within five days after such notice, the grantees shall pay to the city a forfeit of ten dollars (\$10) a day per hydrant while such hydrant or hydrants remain out of repair. But the failure of said officer to so inspect and notify shall not relieve

said grantees from liability in case said hydrants are not kept in good repair, nor shall said failure make the city liable for damages in any way. [As amended August 5, 1890.]

**2138. Free Water.] § 19.** In consideration of the franchise and license herein granted by the said city of Peoria to the said grantees as herein mentioned, the grantees hereby agree to furnish and supply constantly, day and night, except in case of casualty beyond the control of the grantees at their own expense for the period of thirty years, and as much longer as this franchise may be extended, a sufficient amount of water for the uses of said city, for the practice of the fire department, for the necessary flushing of public sewers and gutters, the sprinkling with wagons or carts of any or all streets when ordered or required by the city, and for all uses in all city and county buildings, city parks, public and parochial schools, churches, hospitals and all charitable institutions supported by the city or by the county or by private contributions and for sprinkling the court house square throughout the entire year, also for public drinking fountains for man and beast and for ten hours per day during the non-freezing months of the year for all public display fountains.

The city shall take all due precaution to prevent the unnecessary use and waste of water from these fixtures. [As amended August 5, 1890.]

**2139. Disturbing Streets.] § 20.** The city of Peoria reserves the right to disturb the pipes of the said grantees when it shall become necessary for building or repairing sewers, or for the making of other city improvements, the same to be so done as to cause the least damage to grantees possible. But nothing herein shall be so construed as to release contractors with the city from liability for damage caused by disturbing said pipes. And said grantees hereby covenant and agree that when they shall disturb the paving in the streets of said city in extending, repairing or changing water

mains or pipes, that said grantees at their own expense, shall restore said street and said paving to its original condition as soon as said pipes shall have been put in place, and without unnecessary delay.

**2140. Acceptance.] § 21.** This ordinance shall become binding as a contract upon the city of Peoria, in the event that the grantees shall first perform all the conditions herein required of them, and shall then file with the city clerk of the city their written acceptance of the same, and the said ordinance and the acceptance thereof shall constitute a contract and be a measure of the rights, liabilities and privileges of said city of Peoria and the said grantees, and these conditions and the acceptance shall be performed and made on or before the 2d day of October, A. D. 1889, and if the grantees shall then fail to accept this contract then this ordinance may be repealed. [As amended July 23, 1892.]

**2141. Corporation and Assignment.] § 22.** The grantees herein agree that they will within thirty days after this ordinance become a contract, organize or cause to be organized under the laws of the state of Illinois, a water works company, or a corporation, to whom this ordinance and contract shall be duly assigned and transferred, subject to all the restrictions and undertakings herein put upon and assumed by grantees, and said company shall take the place of grantees and do and perform their undertakings hereunder, and such assignment shall be filed in the clerk's office of the city of Peoria, and shall also be recorded in the office of the recorder of deeds in and for Peoria county, and no other or further assignment or transfer shall be made except by mortgage without the consent of the city council of the city of Peoria. *Provided*, however, that no mortgage of said water company or corporation shall be made which will have the effect of cutting off any of the rights of the city of Peoria under this amended ordinance. Wherever in this ordinance the word "grantees"



is used it shall be deemed to mean John F. Moffett, Henry C. Hodgkins, John V. Clarke and Charles T. Moffett, comprising the firm of Moffett, Hodgkins & Clarke, their legal representatives, associates, successors or assigns.

The foregoing amendments are made upon the express condition that they shall be accepted by the grantees within ten days after the passage of this ordinance in writing, with a stipulation and agreement by grantees that such amendments shall not in any way change, modify or affect or release any of the other terms, conditions, covenants and agreements as contained in said ordinance, not amended hereby. Otherwise this amendment to be void and of no effect. [As amended Augst 5, 1890.]

**2142. Execution of Contract.] § 23.** The mayor and city clerk of the city of Peoria are hereby authorized and instructed, upon the exceptance of this ordinance by grantees, and filing and approval by the city council of the bonds and securities herein required, and after the water supply and source shall have first been approved by the city council, to execute and deliver to grantees a deed of conveyance for the property so sold, and to seal duplicate copies hereof with the seal of the city, and to sign such copies, in the name of and, in behalf of the city, and to deliver one such copy, so sealed and signed in behalf of the city, to the grantees, and to accept the other, in behalf of the city, when signed and sealed by the grantees, and to cause such copy, together with such acceptance, to be authenticated in accordance with the laws governing contracts for the purchase and sale of real estate and personal property, and to record the same in the office of the recorder of deeds of Peoria County, Illinois, and the said mayor and the said city clerk are hereby authorized to sign, with their official hands, and to seal with the seal of the city, any additional copies of this contract, or extracts therefrom, and to certify to the correctness thereof upon the request of said grantees.

**2143. Ordinance—Interpretation of.]** § 24. It is expressly understood, and grantees consent and agree, by accepting this ordinance, that in interpreting, construing and giving effect to this ordinance and contract, each and every expression used, if any, which is indefinite or susceptible of more than one interpretation or meaning, the interpretation and meaning which most favors and best protects the interests of the city of Peoria and the inhabitants thereof shall be adopted; and that fire protection shall be afforded to the city of Peoria and its citizens at all times, upon request of the council, even though no legal special contract for the price thereof has been previously made, but where said water is furnished by said grantees without special request having previously been made by said council therefor, the same shall be paid for at the rate and in the manner hereinbefore provided. [As amended July 23, 1889.]

**2144. Effect and Repeal.]** § 25. All ordinances, or parts of ordinances, inconsistent herewith, are hereby repealed, and this ordinance is, and shall be, in force from and after its passage and publication by the city council of the city of Peoria, and its acceptance by the said grantees.

*Original Passed*

*May 22 1889*

*Amended July 23 1889*

*" Aug 15 1890*

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